The Nation. September 8, 1979 $1

EDITORIAL

WHO BUGGED ANDY YOUNG?

Did Israeli intelligence eavesdrop electronically on Ambassador Andrew Young's conversations? Or was it his own Government? In view of the record of past wire-tap abuses by U.S. agencies, the second theory must remain a nagging possibility.

After long study of our Government's denials of misconduct, we have developed sensors which alert us, we think, to instances in which statements are hedged with the intent to mislead. The State Department has been insisting that it did not "know" that Young met with the Palestine Liberation Organization representative until August 11, about two weeks after the event, but concedes that it had a report of the "suggestion" of such a meeting by July 30. Possible translation: someone bugged a preliminary conversation, probably between Young and the Kuwaiti Ambassador, but not the meeting with the P.L.O. representative at the Kuwaiti Ambassador's residence.

Across the page, Herman Schwartz performs once again the invaluable task he has carried on single-handedly for a good many years of monitoring and analyzing electronic eavesdropping practices. As Schwartz notes, a promising recent development in this shady area was the enactment of the Foreign Intelligence Surveillance Act of 1978. If the Government did tap Young's conversations or those of anyone else involved in this affair without getting a warrant in advance, it violated that law.

The possibility that it had broken the new law gave the State Department great incentive to hedge its statements. Any Government attempt to mislead Americans about electronic eavesdropping is a good deal more reprehensible than was Andrew Young's attempt to mislead the Government about the nature of his meeting with the P.L.O. representative.

AFTER GEORGE MEANY
B.J. Widick
Patrick Owens

THE COURT'S TERRIBLE TEN
Bruce J. Ennis

TORTURE IN ULSTER
Christopher Hitchens
Jack Holland

LABOR BOOKS ROUNDUP
Bernard Nossiter
Robert Howard
Thomas Bender
Jules Chametzky
David Matza & David Wellman
Milton Cantor

BUGGING REVISITED

THE WIRETAP DECADE

HERMAN SCHWARTZ

In June 1968, a Congress stunned by Robert Kennedy's assassination, black riots and Vietnam dissension, gave police the authority to tap and bug to fight crime. This concededly dirty business was to be used sparingly, only for serious crimes and under tight judicial supervision. Great achievements were promised: organized crime would be dealt a death blow and illegal eavesdropping would be sharply cut.

A decade later, the verdict is beginning to come in, and it is not very good. Statistics issued annually by the Administrative Office of the U.S. Courts, and studies by the National Commission for the Review of Federal and State Laws Relating to Electronic Surveillance, make it clear that, in the words of Columbia Prof. Alan Westin, a Wiretap Commission member who supported the 1968 legislation, we've "been had." Taps and bugs have been installed in thousands of homes and businesses, and hundreds of thousands of people in millions of conversations have been eavesdropped upon, almost invariably for minor offenses. Judicial oversight has been spotty and often nonexistent. Major crime has been largely unaffected and illegal wiretapping has not noticeably declined.

There are a few bright spots: Federal wiretapping has dropped more than 70 percent since its peak under Nixon and state wiretapping has fallen also; the Supreme Court has outlawed electronic surveillance of domestic dissidents whom John Mitchell or some other Attorney General happens to consider "dangerous"; and Congress passed a surprisingly good law last year to regulate foreign intelligence surveillance.

On balance, however, these ten years have seen a sharp decline in the law's protection of our privacy. *(Continued on Page 175)*

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LETTERS.

KISSINGERIAN GOSPEL

New York City

SALT II testimony has become an attractive vehicle for the exponents of overkill and increased armament systems to press for their shopping list of weapons which have been kept off even the Defense Department's "druthers" list. The most articulate salesman for this rationale is none other than the man who brought you escalated war in Southeast Asia, Henry Kissinger, the architect for the Republican Party's foreign policy and defense platform.

If, as seems to be the case, the SALT II agreements will not inhibit our ability to catch up if we are behind in our capacity to attack military targets, the debate tying levels of capability with ratification is a politicized effort to sell increased defense spending on systems which may or may not be sound.

Even Mr. Kissinger points out that we are "being asked to ratify a treaty which is essentially peripheral to our basic security and geopolitical concerns but whose simple ratification or rejection would have a profound and dangerous symbolic impact." I am disturbed by our willingness to judge as statesmanship an effort to force increased defense spending as the price of ratification.

Of course we need to evaluate our strategic position in relation to ever-changing geopolitical conditions. But to forecast doom unless we greatly increase our defense budget as part of ratification of SALT II is to fall prey to the pontifical wisdom of a man whose own history includes some serious foreign policy failures the impact of which is hard to ignore while we witness the continuing tragedy of the peoples of Southeast Asian countries.

We must be deeply concerned about the institutionalizing of the arms race as a byproduct of SALT II and question whether a counterforce strategy has to be built into acceptance of the agreement. That kind of linkage, requiring increased spending of as much as $28 billion at a time of spiraling double-digit inflation, makes one question the price of confirmation.

William Shawcross's book, reviewed so insightfully by Alan Wolfe in *The Nation* [Aug. 11-18], reconfirmed my feeling that saber-rattling imperialism has not succeeded in building a world in which we can learn to live peaceably; nor has it allowed us to address humanitarian goals for all peoples.

It is unfortunate that so many seem to hang on every word of the former Secretary of State as gospel even though his policies in retrospect aggravated many of today's most trying international dilemmas from Africa to Southeast Asia.

Manfred Ohrenstein, Minority Leader
New York State Senate

BAEZ AND BOAT PEOPLE

Alkmaar, Holland

The thought police of the left have let out a howl of rage in the direction of Joan Baez for her recent effort to appeal for prisoners in Vietnam. [Editorial, *The Nation*, June 23.]

It is, none of her critics seems to point out, easily within the power of the Hanoi authorities to undermine the reports that have led Joan Baez and others to make these appeals. They can open the doors of their prisons and detention centers to Amnesty International, the International Commission of Jurists or some other qualified independent international body. It's that simple. The request that they do so has been repeatedly addressed to them for the past three years. The response has been entirely negative. One is forced to draw certain obvious conclusions.

James H. Forest
Coordinator, International Fellowship of Reconciliation

Dallas, Texas

John Rosenberg's editorial, "The Boat People" [*The Nation*, July 7] is as misleading and prejudiced as William Buckley's *National Review* or Nicholas von Hoffman on Califano in *Inquiry*.

To say ". . . from 1945 to 1960 approximately 3.5 million aliens arrived in this country, but during those same years 5.5 million aliens within our borders were expelled" is dishonest. He couples legal aliens with illegals and would infer that the "expelled" illegals left the continent instead of being sent back to Mexico.

To couple the plight of the boat people with the plight of a possible nuclear holocaust is to see the one sick child and not the community targeted by an imminent plague.

Finally, the burden on his conscience from our nation's savagery in Vietnam differs from the burden on mine. I don't want him expiating his sins with my rights and privileges. We give foreigners (aliens) a lot more than safe haven when we admit them—a price not consented to by me. We should stay out of their country and they should solve their destinies at home, be it starvation, pestilence, or civil war, as we must solve ours in a world envying, fearing, and hating us.

Otto B. Mullinax

DILUTED DETENTE

Brooklyn, N.Y.

The article, "SALT II—A Call to Disarm," by Marcus G. Raskin, [*The Nation*, July 28-Aug. 4], is an ineffectual plea to halt the nuclear arms race. It reluctantly accepts SALT II as a necessary evil but expresses genuine fear that a nuclear war will destroy civilization. Raskin lays equal blame on the United States and the U.S.S.R. for the arms race. He introduces, as a basic remedy, the nebulous proposal for the conversion of *both* economies to peaceful purposes.

SALT II is a diluted form of détente. The strength and arrogance of American corporate power prevents the full fruition of détente. The United States practiced genocide at Hiroshima, Nagasaki and in Vietnam and is now conceiving counterforce theories and plotting first-strike capabilities.

The Russians are *not* our competitors in this macabre game. They are rising to meet *our* challenge. The concept of preventive atomic warfare against the U.S.S.R. arose out of the ashes of Hiroshima. The onus for realizing détente rests with the American people. The first step in this development lies in the extension of favored nation status or treatment to the U.S.S.R. which has been heretofore denied through the opposition of Senator Jackson and his cohorts, enemies of détente.

The next step is the expansion of full trade with the U.S.S.R. Thriving commerce will create new markets and full employment, curb inflation and convert the defense industry to peaceful purposes.

This redirection of the American economy will lead to entente and disarmament. SALT II gains time to achieve this objective, preserves détente, tends to terminate labor's incongruous bondage to the Pentagon and opens new vistas to labor and the American people.

Morris Berkow

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EDITORIALS.

Havana Calling

This week, leaders of more than ninety Third World nations will meet in Havana for the Conference of the Non-Aligned Countries. Preliminary reports indicate that sentiment exists among several of these nations, under the leadership of Marshal Tito of Yugoslavia, to wrest control of the agenda from Cuba. The Tito group wants to counterbalance Cuban indictments of the United States with a corresponding indictment of the Soviet Union.

We can count on the larger American media to give full publicity to such differences, which in fact may be evidence of the growing independence of the Third World nations from the dominant world powers—part of the continuing redefinition of the terminology and substance of nonalignment itself.

It would, however, be unfortunate indeed, if, in listening to the voices in the debate that give comfort to cold-war biases, we missed an important message from Havana. Once again, we may be sure, these countries will call, as they did three years ago when they met at Colombo, Sri Lanka, for the United States to reverse its hostile policies toward Cuba, the beleaguered island of Caribbean socialism, and to lift our economic embargo and withdraw our naval base at Guantánamo Bay.

We mention this not because it is first on the agenda of the nonaligned. Indeed, the Havana deliberations will cover all the major issues before the United Nations, plus creative

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approaches for mutual cooperation within the Third World but outside the U.N. Our point, rather, is recognition that the Cuban Government has attained a new role of official and respected leadership among those Third World countries that are becoming increasingly aligned in support of a new world order—economic, informational, political and cultural. Any doubts on this point should be dispelled in early October when the General Assembly will meet in New York City and Fidel Castro will attend as a spokesman for a majority of countries in that body.

Under these circumstances, for the United States to condition a change in its policies toward Cuba, including recognition, upon a withdrawal of Cuban troops from Africa, is an anachronism which smacks of hypocrisy, especially in view of the almost 500,000 U.S. troops stationed abroad. The United States has already demonstrated (albeit grudgingly) an increased openness toward Third World countries in the tentative gestures made toward the new Government in Nicaragua. The Carter Administration would be well advised to show just a little flexibility in its dealings with Cuba, if only to suggest that the American establishment may not continue forever as an old-line stonewaller against the growing momentum toward a new world order.

Talk, Not Bombs

The shocking murder of Lord Mountbatten by Irish Republican Army terrorists last week differed from the many other deaths in that ugly little war in Northern Ireland only in the prominence of its victim. The political ramifications of the killing, which strikes at the royal family itself, are apt to be profound. We can only hope, however, as one does on these occasions, that the impetus is not to meet violence with violence. The ten-year war has corrupted occupier and occupied alike, as can be seen in the articles on British torture of prisoners in Northern Ireland by Christopher Hitchens and Jack Holland elsewhere in this issue. It is time for new diplomatic initiatives. Already some are in the wind. Gov. Hugh Carey's invitation to representatives from Northern Ireland and the Irish Republic has caused resentment in Britain and is open to the charge of political motivation, but, by an accident of timing, it dramatizes the urgency of such talks. So did the cancelled visit of Pope John Paul II to Northern Ireland, after a stay in America. The visit had unleashed anti-Papist fulminations from the Rev. Ian Paisley and other Presbyterian Unionists; however, leaders of the several hundred thousand Northern Irish Anglicans and Methodists had welcomed the Pope's visit. We agree with *The Manchester Guardian* that four-party talks are once again timely. As *The Guardian* noted: "A possible starting point . . . is to admit not that relations between Catholics and Protestants in the North are wrong—though they may be—but that relations between Britain and Ireland are wrong and hence are a markedly unhelpful influence on the life of the Province." One flagrant wrong on the British side is the tacit, official condoning of the torture of prisoners, perhaps ordered, as Jack Holland charges, by a minister now high up in the Thatcher Government. If those who "were only obeying orders" must be punished, so should those who gave the orders be condemned.

Back-Door Policy

Even as the United States held the front door open for three days for a Russian ballerina, the Immigration and Naturalization Service persists in its nasty habit of pushing politically unpopular aliens out the back door through deportation proceedings. The case of Elias Ayoub, pending in the U.S. District Court for the Southern District of Ohio, reiterates the need for a human rights policy at home, and it also shows how much will be lost if Congress goes along with F.B.I. Director William Webster's effort to gut the Freedom of Information Act. (See "Stop the Shredder," *The Nation*, July 14-21.)

Ayoub, a 22-year-old Palestinian Arab holding Israeli citizenship, entered the United States in 1976 on a student visa to study philosophy at Lansing Community College in Michigan. A year later he decided to change his undergraduate major to economics and to transfer to the Ohio State University. He duly notified the I.N.S. of these changes. Despite several subsequent letters from Ayoub and from the foreign student office at Ohio State, however, the Detroit I.N.S. office never sent the required (and usually routine) authorization. When, following the advice of Ohio State officials, Ayoub applied to the I.N.S. office in Cincinnati for an extension of his student status, he was given what the I.N.S. euphemistically refers to as a "voluntary departure date" that was three months before his scheduled graduation. Ayoub was being deported, according to the scholars at the I.N.S., because he had "failed to establish a definite educational goal."

The Ohio State chapter of the American Association of University Professors and the American Civil Liberties Union of Central Ohio found this charge preposterous: Ayoub had achieved a 3.94 average at Lansing and a 3.7 at Ohio State while completing four years of work in less than three, and he had been accepted for graduate study in economics at the New School for Social Research in New York City. (He was granted temporary extensions of his visa pending the outcome of his appeal, and is now enrolled at the New School.)

So far Ayoub's case may sound similar to those of countless other foreign students harassed by the I.N.S. and entangled in its mindless bureaucracy, but there is more to it. After he was approached by an F.B.I. agent for what was said to be a purely routine check ("your name was pulled out of a computer"), his lawyer became suspicious and filed a Freedom of Information Act request with the F.B.I. and the I.N.S. In May 1979, the F.B.I. admitted it had a file on Ayoub but refused to release it, claiming that it "would

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interfere with law-enforcement proceedings, including pending investigations." The I.N.S., however, released (probably inadvertently) two damaging and disturbing documents. The first, a memorandum from the Cincinnati I.N.S. to the F.B.I. field office there, announced that Ayoub was being considered for investigation as a "subversive." Significantly, this document was dated October 11, 1978, two months before Ayoub was notified he would have to leave the country because of his lax educational goals. The second document was a secret memo from the Cincinnati I.N.S. to the American consul in Tel Aviv with the information that Ayoub was being deported and that he "has been identified as a very strong activist in the Popular Front for the Liberation of Palestine." This document was dated December 12, 1978, the same day the I.N.S. mailed Ayoub the form citing his lack of an educational goal.

Ayoub claims that he has "no affiliation whatsoever" with the P.F.L.P. and suggests that he was identified with it because he was a roommate and friend of Sami Esmail, an American citizen who was arrested in Israel on similar charges. Ayoub has been an outspoken advocate of the Palestinian cause, but even readers who do not share his political sympathies should be concerned that the United States Government still sits in judgment on the political acceptability of visitors to this country and continues to deport people for exercising their constitutional rights. (The Supreme Court has determined that the First Amendment and other provisions of the Constitution apply to aliens as well as citizens.) If the I.N.S. has evidence that Ayoub has engaged in illegal activities then it should present that evidence, instead of peddling transparently false claims about "educational goals."

Nor does this issue concern aliens alone, since in the course of investigating Ayoub the F.B.I. and the I.N.S. surely did not ignore his American friends and associates. Cases such as this reveal why the F.B.I. is so eager to close the door on F.O.I.A. requests by aliens.

The United States should grant asylum to political refugees, but it should also respect the rights of those already here.

Arms for Iran?

The Carter Administration's decision to resume the supply of arms to Iran could not have come at a less opportune moment. A war is being waged by the Ayatollah Khomeini's revolutionary guards against the Kurds and other national minorities. The Ayatollah's firing squads are now executing people who fought for the revolution against the Pahlevi despot. The Kurds are, of course, only the most immediate victims of a political campaign that has already silenced a once free press and forced underground such left democrats as Hedayatallah Matin-daftari.

Can it really be that we have learned so little from the recent past? Are we once again going out of our way to assist dictatorship in pursuit of the State Department's illusory foreign policy panacea—stability? The violent repression of national minorities rarely brings with it political stability. Henry Kissinger tried it in Pakistan during the 1971 Indo-Pakistani crisis with his "tilt" toward the Punjabi-dominated military regime. It did not prevent the creation of Bangladesh, and it is not likely to deter the Kurds of Iran.

If Khomeini and his clique of right-wing repatriates led by Foreign Minister Dr. Ibrahim Yazdi persist in their present course, they will very likely persuade the Kurds, the Baluchis and other national minorities that they have no future in an Islamic Republic. For the moment, however, the Kurdish leadership has refused to opt for outright independence. "We are not just fighting for autonomy in Kurdistan but for democracy in Iran," says Abdul Rahman Qassemlou, leader of the Kurdish Democratic Party.

As it happens, Iran's ethnic minorities together constitute a majority of the population. So it should come as no surprise that as Khomeini accelerates the drift toward a dictatorship of the mullahs (see Kai Bird, "Making Iran Safe for Theocracy," *The Nation*, May 19), he is simultaneously forced to attack the national minorities. The Carter Administration will only be compounding its insensitive policies toward Iran under the Shah if it now intervenes on behalf of Khomeini against the Kurds.

Sidebars

On May 28, 1979, Fay Stender, the California lawyer who worked with great devotion in the cause of George Jackson and other prisoners, was shot six times by a crazed assassin who had forced her to "confess" that she "betrayed George Jackson and the prison movement." Miraculously, she survived, but three bullets fired into her chest and abdomen severely damaged her vital organs and spinal cord. The prognosis for recovery of the use of her legs is not good; moreover, bullets fired into each of her arms fractured bones, causing nerve damage. Fay Stender will need extensive treatment and rehabilitative therapy before she can resume her law practice—at a cost of more than $200,000. Her friends have accordingly set up the Fay Stender Trust Fund and welcome donations. The address is Fay Stender Trust Fund, Bank of California, P.O. Box 7773, Berkeley, Calif. 94701. We are also informed that she appreciates hearing from her friends, who may write to 1714 Stockton Street, San Francisco, Calif. 94133.

. . . **Belated Discovery.** As we went to press we were pleased to note that *The Washington Post* (in an August 29 front-page story headlined, "U.S. Oil Imports Increased During Gasoline Crunch"), and *The New York Times* (in an August 30 economic analysis) have at last begun to discover what readers of Fred Cook's "How Big Oil Turned Off the Gas" (*The Nation*, July 28-Aug. 4) knew all along: last spring's oil shortage was probably contrived.

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SECOND THOUGHTS

CAREY McWILLIAMS

In the history of the American labor movement the tradition represented by the Amalgamated Clothing Workers of America stands forth as one of the enduringly bright chapters. Jacob S. Potofsky, who died recently, was the embodiment of that tradition. In October 1910, while a teen-age member of the Pantsmakers Local 144 in Chicago, he joined in a strike against the firm of Hart, Schaffner & Marx that made labor history, first, because it resulted in the establishment of a successful three-member arbitration board—a remarkable innovation at the time—and second, because it led to the formation of the Amalgamated Clothing Workers. From its formation to the present time the union has been the voice and symbol of progressive, democratic, pragmatic trade unionism, aggressive in its organizing and bargaining efforts but consistently animated by a spirit of social idealism.

Sidney Hillman, who led the union to victory in the 1910 strike, was a consummate tactician and excellent organizer, a "practical" idealist with shrewd political insights. Had it not been for his untimely death in July 1946, the Henry Wallace movement might have taken quite a different turn. To guide the Amalgamated after his death, which was quite an assignment, the union hit on what seemed to be an idea not likely to succeed, namely, a triumvirate consisting of Potofsky as president, Frank Rosenblum as secretary-treasurer, and Hyman Blumberg as executive vice president. The arrangement may have seemed cumbersome but it worked. Through many major trials and in often critical times, the triumvirate kept the Amalgamated on the course Hillman had set, which was, in essence, to insist on the need for social and political action to buttress gains made through collective bargaining. "What you win at the bargaining tables," Potofsky once said, "can be taken away in the legislative halls."

The Amalgamated also steadily insisted on the importance of fighting to get decent housing, medical care and pensions for its members, but it consistently supported progressive political policies and legislative programs in the general public interest. This emphasis on social idealism has not always enjoyed the highest priority in the American labor movement.

The key to the origin of the Amalgamated tradition can be found in Potofsky's career, which paralleled that of its other early leaders. Born in a cotton-milling city in the Russian Ukraine, he was 11 years of age when the family emigrated to this country and settled in Chicago, where he went to work as a "floor boy" in the men's clothing factory of Hart, Schaffner & Marx. Not only were most of the union's early leaders of Jewish immigrant stock but many of them had a radical-socialist orientation. It was this strong feeling for social justice that kept the union from becoming another strictly bread-and-butter operation.

And the record shows that over the long haul a policy of "social idealism" has been in the best interests of the labor movement and its members. Progressive politics cannot succeed without the support of organized labor nor can organized labor achieve, safeguard and extend its objectives without the support of a broadly based, genuinely progressive political movement. From 1952 on, organized labor tended to neglect its broader affiliations in favor of a partnership with corporate power in furtherance of cold-war policies that were neither in labor's nor the nation's long-term interest. Most of labor's top leaders went along with these policies out of respect for George Meany or because they did not relish the notion of opposing him, even though some of them were known to have serious private doubts and personal reservations.

But Potofsky, a senior member of the executive council of the A.F.L.-C.I.O., did not hesitate to take issue with this orientation and in 1970, his patience exhausted, he voiced public condemnation of the Vietnam War, a stand that involved a breach with the Meany leadership. He could take this position because he had the support of his colleagues and the membership of the union.

Traditionally, the Amalgamated had consistently stressed the importance of "educating" its members, in seeing to it that they understood why certain positions were taken or recommended by the leadership. The union's newspaper, *The Advance* (known as *Labor Unity* since the merger with the Textile Workers of America), has always been one of the best labor papers; indeed, it was known for years as "*The New York Times* of the labor movement." During Burt Beck's editorship (1960-76), and earlier, *The Nation* often had occasion to praise its performance. And the fact that the Amalgamated should have seen fit to present the excellent hour-long documentary film, *The Inheritance*, for which Millard Lampbell was responsible—a film about the union, its members, its problems—is a measure of the leadership's respect for ideas and their need for constant intelligent communication with the public as well as the membership.

Now that the Textile Workers have merged with the Amalgamated, it is merely a question of time until the J.P. Stevens textile interests will finally be brought to the bargaining table. When this happens it will mark the end of a long and bitter chapter in the history of Southern labor. But other chapters are also coming to an end.

Today new leadership forces are emerging in the labor movement. The long saga of labor's involvement in the cold war, including its active collaboration with the Central Intelligence Agency in sundry shady capers, is drawing to a close. With Meany's leadership in partial eclipse, the future belongs to those unions and those labor leaders who have come to admire the Amalgamated tradition. Once again, and soon, American labor will be in the forefront of the progressive movement. □

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ARTICLES.

AFTER MEANY, WHAT?

The A.F.L.-C.I.O. Adrift

B. J. WIDICK

The visible evidence of change in policies and some personalities within the A.F.L.-C.I.O. signifies the end of the ironhanded domination by George Meany, its president since the labor merger in 1955. The jockeying for positions and power in the post-Meany federation has begun. Already consensus rather than command determines policy. Important statements recently adopted by the A.F.L.-C.I.O. Executive Council reflect compromises of the conflicting tendencies within the leadership rather than the unabashed and heretofore unchallenged cold-war views of Meany and his lifetime defense of the free enterprise system.

Meany's power to dictate policies has been eroding since he has been incapable of functioning as a full-time president after his re-election in November 1977 to his $110,000 (plus expenses) job. His inability to attend the August quarterly meeting of the council simply confirms publicly what labor leaders have known privately for years. His workload has long been limited. The de facto president has been Lane Kirkland, secretary-treasurer of the federation and the obvious heir-apparent to Meany's job. However, Kirkland has lived so long in the shadow of Meany that he lacks the stature, the power or the influence of his benefactor. Hence his willingness and his need to compromise with the different factions within the A.F.L.-C.I.O. leadership. Major unions quit "clearing it with George" some time ago. Kirkland does not have the power to emulate the Meany of old.

A brief review of some of the important developments in the A.F.L.-C.I.O. illustrates the new political and power relationships arising within the federation. When Bayard Rustin of the A. Philip Randolph Institute, and a longtime spokesman for Meany in the black community, returned from a fact-finding trip to Rhodesia, his attempts to legitimize the elections and the regime of Prime Minister Abel Muzorewa received a better reception in the pages of *Commentary* than in the A.F.L.-C.I.O. council, which adopted the wait-and-see attitude suggested by the Carter Administration. Some council members felt that Rustin's views jeopardized the A.F.L.-C.I.O.'s African connection—the African-American Labor Center, whose $2.8 million fund comes from the Agency for International Development.

After twenty-two A.F.L.-C.I.O. unions joined the Progressive Alliance created by Douglas Fraser, president of the United Automobile Workers—an umbrella committee to which a wide diversity of left-of-center and liberal organizations belong—Albert Shanker, president of the American Federation of Teachers and an ardent advocate of Meany's views, gave a vitriolic speech before a right-wing group loaded with military and politically conservative forces warning the labor movement against "infiltration." The A.F.L.-C.I.O. unions have remained in the Progressive Alliance, and, as if to make the point clear, Douglas Fraser joined the board of directors of the Institute for Policy Studies, and appointed I.P.S.'s Marcus Raskin co-chairman of the Policy Commission of the alliance, to serve with Jacob Clayman, director of the Industrial Union Department of the A.F.L.-C.I.O. Since the alliance includes such organizations as the National Lawyers Guild, Coalition of Black Trade Unionists, Democratic Agenda, Democratic-Socialist Organizing Committee, SANE and Scientists' Institute for Public Information, to mention a few of the nonkosher (in Shanker's view) outfits, obviously the days when the A.F.L.-C.I.O., under Meany's dictates, told unions whom they could and couldn't work with are over.

The most startling recent development was the reversal by Lane Kirkland, speaking for himself and Meany, on SALT II. The A.F.L.-C.I.O. council endorsed the treaty with the Soviet Union to limit strategic nuclear arms, wi h some secondary reservations. Of course, three major A.F.L.-C.I.O. unions—United Steelworkers, International Association of Machinists and Aerospace Workers, and the American Federation of State, County and Municipal Employees—had already endorsed SALT II on their own, as did the U.A.W. Whatever Kirkland's private views may be, and his record has been that of a cold warrior, his hopes for succeeding Meany depend not only on Meany but also upon the resolution of tensions in the A.F.L.-C.I.O. and the vote of the big unions. The days when Meany was given a blank check on foreign policy are over. Kirkland has to listen, compromise and persuade. He cannot dictate, nor can Meany himself.

To the astonishment and dismay of the U.S. Chamber of Commerce, the A.F.L.-C.I.O. raised the issue of nationalization of the oil industry at its August meeting. It wouldn't have happened, declared the Chamber of Commerce, if the George Meany we used to know had been there. The hasty public relations claim that this was Meany's policy ran counter to his long record as an ardent defender of the free enterprise system.

Those who think the A.F.L.-C.I.O. has "gone socialist," as the Chamber of Commerce charged, or that the Meany-Kirkland forces want to discard their image as hawks on world politics, should be reassured by the council's fearmongering resolution charging that our export of technology to the Soviet Union will fulfill Lenin's prophecy that Western democracies would "sell us the rope for their own hanging."

Beleaguered labor leaders are far too upset by the defeat of the labor reform bill, inflation, unemployment and the overt hostility of management to accept the status quo

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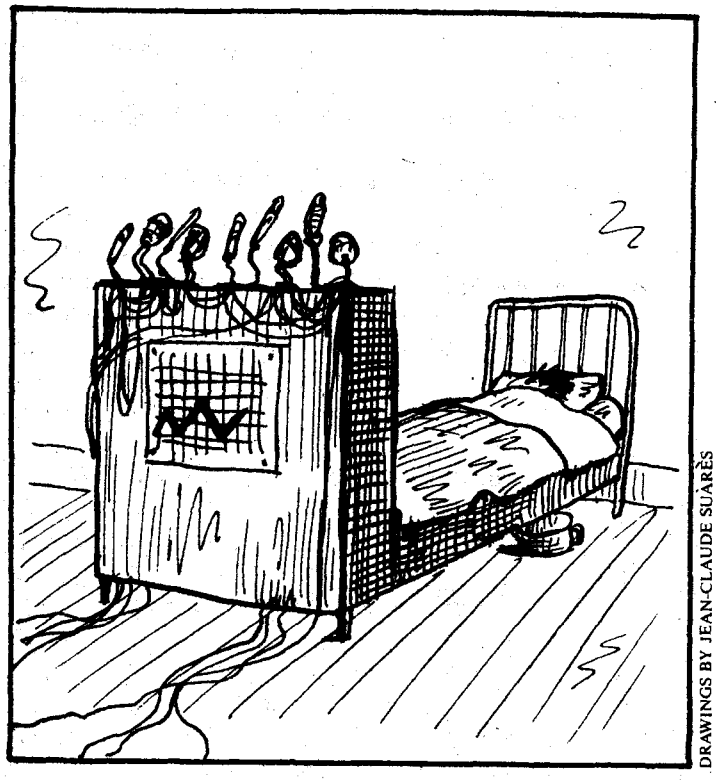

DRAWINGS BY JEAN-CLAUDE SUÁRÈS

political economics peddled by such Meany intellectuals as Ben J. Wattenberg. For the first time in years an avowed Socialist speaks at council meetings. William Winpisinger, president of the Machinists union, seldom disdains to conceal his views. Predictions that Meany would make "mincemeat" of Winpisinger turned out to be a wish rather than an opinion among A.F.L.-C.I.O. staffers. He has not only asked Meany to resign—as many top leaders wish Meany would do—but was elected vice-chairman of the Democratic-Socialist Organizing Committee, of which Michael Harrington is the chairman.

Then there is the emergence of 42-year-old William Wynn, the president of the 1.3-million-member United Food and Commercial Workers International Association, which is an amalgamation of the Retail Clerks and the Meat Cutters & Butcher Workmen unions. Like Winpisinger, Wynn has stated that his objective is to turn the labor movement into a progressive and more involved organization; coming from an auto workers family, he has made no bones about the fact that his model is Walter Reuther—a remark calculated to grate on Meany's old guard. Lloyd McBride, president of the 1-million-member Steelworkers union, has not only argued vigorously with Kirkland over questions such as the A.F.L.-C.I.O.'s relationship with Senator Robert Packwood but went his own way on SALT II. Not one of these union leaders, (including Jerry Wurf, president of the 1-million-member A.F.S.C.M.E.), regards Kirkland with the awe once accorded Meany. Kirkland lacks the kind of experience these union leaders have. He comes from a tiny elitist union, the International Organization of Masters, Mates and Pilots. He was a speech writer, then an administrative assistant to Meany, and was handpicked by Meany to be secretary-treasurer.

Unlike Meany, Kirkland would never brag that "I never went on strike in my life, never ran a strike, never ordered anyone else to run a strike, and never had anything to do with a picket line." But his record in these areas is thin. Hence, hints are coming from other union leaders such as Martin Ward, of the Plumbing and Pipe Fitting Industry union, and J.C. Turner, president of the International Union of Operating Engineers, that they are available to succeed Meany. And there is real tension in top circles over who gets the second most important job, secretary-treasurer, if Kirkland goes to the top. Thomas Donahue, an able and well-liked administrative assistant, seeks the job, but labor leaders shy at the idea of two staff men getting those posts. The final returns are by no means in.

It is plain to see that, as Sol Chaiken, president of the International Ladies Garment Workers Union, put it, "Without Meany's personality and knowledge and his political relationships within the council to hold it together, the next president is going to be buffeted about."

Another indication of the new times is the political fragmentation in the top leadership over the coming Presidential campaign. Paul Hall of the Seafarers' International Union of North America has declared for Carter. Glen Watts of the Communications Workers of America—a man who goes his own way on many issues—is for Carter, but got a lesson in the limitations of leaders when he invited President Carter to speak at the union convention. The applause was standard for Carter's remarks. The ovations came later when Senator Edward Kennedy spoke; now the Communications union has opened its office in New York to a pro-Kennedy group. Winpisinger has organized a national draft-Kennedy movement. The Carter people had another setback when they predicted that McBride, Ward and Turner would join a re-elect Carter committee. Wisely, these leaders decided to remain neutral, following the example of other unions such as the U.A.W., which has to restrain its secondary leaders from aggressively pushing for Kennedy—who has become something of a hero at union conventions.

It is no secret what most labor leaders want: Senator Kennedy. But in their view, primary fights could divide the Democratic Party and guarantee a Republican victory. Better that favorite-son candidates run—like Senator John Durkin of New Hampshire and Senator Paul Tsongas of Massachusetts—and the President be simply unable to get a majority. At this point, Senator Kennedy could be "persuaded" to accept the nomination. In any event, the labor leaders want plenty of elbowroom for maneuvering. The man in the White House looks like a sure loser in 1980, and who needs that?

Whether "neutrality for Kennedy" is a viable option may be tested at the forthcoming A.F.L.-C.I.O. convention in Washington in November. Protocol calls for an invitation to the President of the United States, which he is expected to accept. But can Kirkland play it so safe that he can resist a demand for an invitation to Senator Kennedy? Next to the ovations after a farewell speech by Meany, the most popular address would be one by Senator Kennedy. Orchestrating that convention won't be an easy task.

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The likely appearance of Douglas Fraser at the A.F.L.-C.I.O. convention would publicly symbolize the changing relationships in the labor movement. Although the U.A.W. rejected reaffiliation with the federation, many A.F.L.-C.I.O. leaders have had a friendly and effective working arrangement with the U.A.W. in areas other than the Progressive Alliance's: Cesar Chavez's strike, the Steelworkers struggle at Newport Shipping, the J.P. Stevens campaign and joint lobbying on many issues before Congress, including aid to the Building Trades fight to save the basic provisions of the Davis-Bacon Act, are some examples.

Relations between the A.F.L.-C.I.O. and the U.A.W. are so amicable that the U.A.W. did not have to solicit Kirkland's support to help the U.A.W. campaign to save 132,000 Chrysler jobs and the shaky city of Detroit, the home of its major operations. In White House meetings, Fraser's skills have not gone unnoticed by his A.F.L.-C.I.O. counterparts, nor are they unmindful of his close friendship with Senator Kennedy.

Certainly one of the few cheerful events in labor this year has been the huge U.A.W. victory at the General Motors Oklahoma plant. While small unions and the unorganized workers have taken a terrible beating from the wage-price guidelines of the Carter Administration, labor expects the U.A.W. to do otherwise at General Motors and Ford in current contract negotiations, with or without a strike. The $280 million strike fund speaks for itself, and no one in industry or the U.A.W. has doubts that Fraser is ready to give the auto companies all the struggle they want, if they want it.

A final note: in the past years, Meany has been able to use the A.F.L.-C.I.O. conventions as a platform for his cold-war policies, with secondary concern for the domestic problems of organized labor's ranks. This year, two of labor's best agitators will not be denied a major role: inflation and unemployment will make themselves heard and felt at the A.F.L.-C.I.O. convention. □

President for Life

PATRICK OWENS

Jimmy Hoffa, George Meany's old nemesis, made penological history in 1967, when he went off to the Federal penitentiary at Lewisburg, Pa., and took the presidency of the International Brotherhood of Teamsters with him. He hung onto it for years, finally surrendering the title (and the salary) when he learned that he could not be paroled so long as he held office.

Meany appears determined to out-Hoffa Hoffa. If he has his way—and he is accustomed to having his way—he will apparently take the presidency of the A.F.L.-C.I.O. to the cemetery with him. In 1976, a reporter asked him who, in his opinion, was most qualified to succeed him. "I haven't given it a bit of thought," Meany replied. "You know, this reminds me of the story of de Gaulle—Charles de Gaulle. Somebody said, 'After de Gaulle?' and de Gaulle said, 'After de Gaulle, de Gaulle.'"

But George Meany is mortal. Last Easter he flew out to Palm Springs, Calif., for a week of golf. He cracked his knee on something, went to a doctor for the pain, got a cortisone shot and found himself immobilized with back and leg pains, including the recurrence of arthritis in a hip that had been mended surgically fourteen years ago. Meany disappeared from his office, across a park from the White House, for four months. He missed the spring and then the summer meeting of the Executive Council, which assembles four times a year and makes—or at least ratifies—policy for the A.F.L.-C.I.O. between conventions. Meany did get down to his office from his bed of pain at his home in Bethesda, Md., on August 15, the day before his 85th birthday and a week after the Executive Council had met without him—for the first time ever—in Chicago. He reappeared several days running.

Meany said nothing directly about his plans, but Albert Zack, the labor federation's director of public relations, very obviously spoke with official sanction when he was asked if Meany planned to run for re-election when the A.F.L.-C.I.O. holds its biennial convention in Washington for six or seven days starting November 15. "He hasn't announced aye or nay," Zack summarized. "He hasn't even hinted."

Such reticence is widely thought to serve an obvious purpose: the protection of the presidency for Meany's preferred successor, Lane Kirkland, the federation's 57-year-old secretary-treasurer. But it is at least as possible that Meany is serving an even more personal interest—his own re-election. Meany's retirement must now be considered a probability, but it is far from a certainty. The available evidence, scanty as it admittedly is, suggests that he will run again, if necessary from his bed in Bethesda, if he can figure out a way to bring off the re-election. The further evidence is that such an effort would be a nearer thing than seems credible in the outside, or free, world. So far, the number of important labor leaders who have vocally and specifically dissented from Meany's absentee leadership can be counted on the fingers of one hand—a thumbless hand.

Meany is the fourth president in the history of the old A.F.L. The first, Samuel Gompers, served from 1886 to 1924, except for two years early on when number two, a maverick named James McBride, did a single term. No incumbent has failed of election since. William Green, a nonentity, succeeded Gompers. He attracted notice shortly before his election by denouncing a rubber strike in Ohio, his home state. Green served until he died, at the age of 79. He was out to lunch, as they say, for most of his tenure. No one tried to run him off the job, though.

Meany just waited until Green's passing, in 1952. His closest brush with regicide had come in 1939, when an incompetent who had already attained to 79 was pushed aside to make a vacancy in the secretary-treasurer's office.

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The old bulls who ran the A.F.L. thought, in view of Green's vacuity, that the union should have someone around the office who could be trusted to answer the mail and meet the payroll. But they did not, significantly, dump Green. They dumped his secretary-treasurer.

Lane Kirkland, the present secretary-treasurer, succeeded another nonentity, William Schnitzler, in 1969. Kirkland, a South Carolinian of cool and piercing intelligence, is assuredly capable of doing whatever needs doing, and will doubtless be the federation's fifth president. If he has to wait a couple of years for that, pretending to speak in the meantime for a stricken octogenarian, that seems a modest price for a man already schooled in patience.

Still, he is an unlikely leader of 13-million-plus trade unionists. He holds two college degrees and honorary doctorates from Duke and Princeton, and had never served as an officer in any union before Meany elevated him from the A.F.L.-C.I.O. staff to the secretary-treasurership a decade ago. He was a union member during World War II, in the tiny International Organization of Masters, Mates and Pilots. After graduating from the Merchant Marine Academy at Kings Point, N.Y., Kirkland served as a mate on merchant vessels, qualifying as a captain but never commanding. When he was asked about succeeding Meany, he offered two lovely statements: "I will run if nominated. I will serve if elected"; and, "Every first mate wants to be a captain." But his union, the Mates and Pilots, is one of the few made up of people whose job is giving orders, not taking them. He lists it fifteenth among sixteen affiliations in *Who's Who,* behind the Rockefeller Foundation and the President's Commission on C.I.A. Activities within the United States. In short, Kirkland is as much an establishmentarian as is Cyrus Vance. His elevation to a post held by Meany, who was at least a veteran of a trade and who pronounced words his own way, may symbolize a final melding of organized labor into the national management.

But it all needs some explaining. There is no theory of democratic process by which an 85-year-old invalid could either hang onto a giant organization like the A.F.L.-C.I.O. or hand over the outfit to someone so obviously a protégé. Yet that is what is happening. Meany is at this point almost no one's idea of who the nation's top labor leader should be. Yet he remains the top labor leader. And labor remains ineffectual, unable to expand its membership or to protect working people from an economy run by economists and bankers. □

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BURGER COURT 1978-79

Ten Dangerous Decisions

BRUCE J. ENNIS

From the perspective of civil liberties and protection of individual rights, the recently concluded term of the Supreme Court was extremely disappointing. There were several good decisions, but most of them were virtually compelled by settled constitutional principles and relevant precedents. For example, although the Court ruled in *Delaware* v. *Prouse*, with only Justice William H. Rehnquist dissenting, that discretionary spot checks of automobiles violate the Fourth Amendment unless the police have at least an articulable and reasonable suspicion of a law violation, any other ruling would have reversed decades of Fourth Amendment jurisprudence. And although the Court ruled in *Bellotti* v. *Baird* that Massachusetts could not require mature minors to obtain either parental consent *or* judicial authorization for abortion, that decision was expected, given the Court's earlier decision in *Planned Parenthood* v. *Danforth* that states cannot require "the consent of a parent or person *in loco parentis* as a condition for abortion of an unmarried minor."

To be fair to the Court, there were a few good decisions that could have been decided differently, including *Steelworkers* v. *Weber*, which upheld voluntary affirmative action plans for minority workers; the Columbus and Dayton school desegregation cases, which upheld systemwide remedies for purposeful discrimination; and *Davis* v. *Passman*, which authorized a private right of action under the Fifth Amendment for sex discrimination, even in the absence of statutory jurisdiction.

But despite a few notable exceptions, it is fair to say that when the Court had more room to maneuver, and was not bound by precedent, its decisions frequently showed great insensitivity to important civil liberties principles. For example, the Court ruled that the public and the press have no right under the Sixth Amendment to know what judges and prosecutors are doing with public money. It showed astonishing indifference to the importance of equal employment opportunities for women, and ruled that Massachusetts could effectively exclude women from the majority of all public jobs. It cut back substantially on the right of personal privacy and authorized intrusive searches of automobiles and telephone records even when no criminal activity is reasonably suspected. It showed indifference to the rights of disadvantaged and politically powerless groups such as children and aliens. And it unnecessarily abridged the pretrial and trial rights of presumably innocent defendants. In

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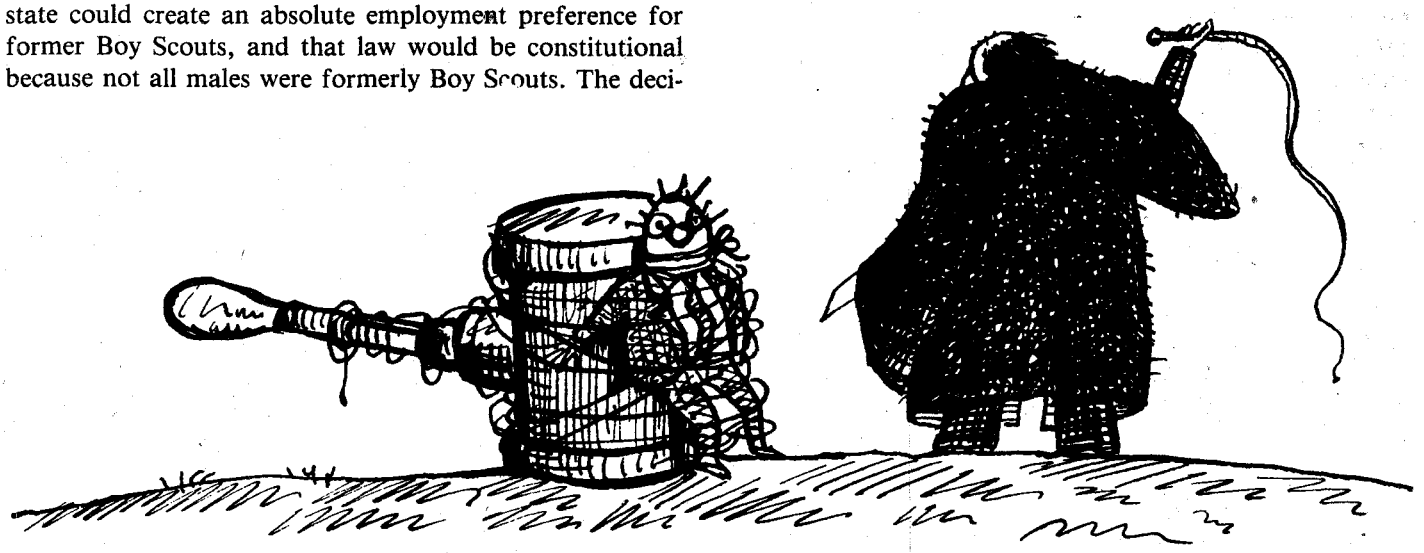
what follows, I will summarize the Court's ten most troubling decisions.

(*1*) *Gannett* v. *DePasquale*. The Court held that the press and the public have no constitutional right under the Sixth Amendment (and possibly no right under the First Amendment) to observe criminal proceedings when the parties (or perhaps when the defendant alone) want those proceedings closed. This authorizes secret trials, even if, as the Court acknowledged, they are not "necessary" to protect the defendant's right to a fair trial. The decision suggests that it will apply to both pre-trial and trial proceedings, but even if it is limited to pre-trial proceedings it could potentially affect almost 90 percent of all criminal cases. This decision is contrary to several hundred years of history, although consistent with the Burger Court's recent insensitivity to the public's right to know. Under this decision, the pre-trial proceedings involving the Watergate burglars could have been held in secret. It was because of Judge Sirica's questioning during those proceedings that it became clear the burglars were acting under orders from higher authority. When criminal proceedings are closed, the public is prevented from evaluating the demeanor and performance of elected judges and prosecutors. The effect is to shield judges from criticism and will be destructive of informed decision making about the criminal justice system, where reform is badly needed.

(*2*) *Massachusetts* v. *Feeney*. The Court held that Massachusetts could give a lifetime and absolute employment preference to veterans for state jobs. Thus, a male veteran with a test score of 2 gets the job over a female, who is not a veteran, with a score of 100. And he can use that absolute preference for job after job, for the rest of his life. The Court acknowledged that Massachusetts knew in advance that more than 98 percent of all veterans are males, and knew in advance that the preference would have a "devastating impact" on females, virtually excluding them from 60 percent of all public jobs in Massachusetts. The Court thought this preference law was constitutional, even though it effectively bars almost all women from the majority of public jobs, because the law also bars some men, who were not veterans, from such jobs. Under that reasoning a state could create an absolute employment preference for former Boy Scouts, and that law would be constitutional because not all males were formerly Boy Scouts. The decision reflects great insensitivity to the importance of preserving equal employment opportunities for women. The Massachusetts system established not just a temporary or point preference, which would have accommodated the legitimate interests of veterans without totally excluding women from the job market. This decision is based on the judge-made rule, created by the Burger Court, that objective proof that a law has an overwhelmingly discriminatory impact or effect on women or minorities is not enough to show a violation of the equal protection clause; in addition, the victims of discrimination must also prove that public officials had a subjective intent to engage in invidious discrimination. Unless the public official is foolish enough to say "I don't like blacks," or "I don't like women," that kind of subjective proof of intent is almost impossible. Requiring proof of subjective intent might make some sense in a suit seeking to hold public officials personally liable in money damages, but it should be irrelevant in a non-damages suit such as *Feeney*.

(*3*) *Rakas* v. *Illinois*. The Court held, in an opinion by Justice Rehnquist, that automobile passengers cannot object to what would otherwise be an unconstitutional search of the car in which they are riding because, unlike the owner of the car, they do not have a "legitimate expectation of privacy." Items seized in connection with such a search can be used in evidence against the passengers, even if the Fourth Amendment would prohibit the use of those items in evidence against the owner of the car. This decision is inconsistent with decisions of the Warren Court, and severely restricts the constitutional right of privacy. As the dissent notes: "After this decision, police will have little to lose by unreasonably searching vehicles occupied by more than one person." The decision is particularly troublesome when read with another decision of this term, *Ulster County Court* v. *Allen*. Under that decision, if the police find an illegal weapon in a car, or on one of the passengers in the car, it can then be presumed as a matter of law, without further proof, that everyone in the car is knowingly guilty of possessing that illegal weapon.

(*4*) *Smith* v. *Maryland*. The Court held that the govern-



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ment can obtain a list of a citizen's local telephone calls, without a warrant and without probable cause to believe a crime has been committed by that citizen, because citizens have "no legitimate expectation" that their telephone records will be confidential, and they therefore "assume the risk" that the government will be able to trace their calls. There is no constitutional violation, said the Court, because there is no constitutional right to be protected. Under that ruling, the Nixon Administration could have monitored all the calls made by Woodward and Bernstein in order to find out their sources of information about Watergate. Similarly, as the dissent noted, the government could announce tomorrow that henceforth it will randomly open and read first-class mail.

(5) *Parham* v. *J.L.* The Court held, in an opinion by Justice Warren Burger, that children up to age 18 can be committed indefinitely to mental hospitals by a parent or, for parentless children, by a state official, so long as a physician at the institution agrees to accept the child. Even if 17 and vigorously protesting, the child has no right to a hearing before a court or any other independent tribunal. The National Institute for Mental Health found in 1975 that two out of every three children in St. Elizabeth's mental hospital, a very large mental institution in Washington, D.C., did not actually require hospitalization. It is astonishing that the Court found no need for traditional due process protections in connection with a proceeding where it is more likely than not that the deprivation of liberty is unnecessary. The Court was also aware that the reliability of psychiatric diagnoses for both adults and children is extremely low (for specific functional diagnoses such as "schizophrenic reaction paranoid type" the rate of agreement among psychiatrists is only about 40 percent). Furthermore, most of the children at St. Elizabeth's were diagnosed merely as having an adjustment reaction of childhood, which would not even constitute a mental illness. If anything, commitment to a mental hospital (which generally involves a total disruption of education) has even more severe consequences for a child than for an adult. The decision will also have a disproportionate impact on black children. Even though the incidence of mental illness among blacks is no higher than the incidence of mental illness among whites, blacks are committed to mental institutions at a much higher rate than are whites.

(6) *Ambach* v. *Norwick*. Continuing to cut back on the rights of aliens, a process that began last term, the Court held that permanent resident aliens can be denied the right to teach in New York public schools, even though they can teach in New York private schools and can even be elected as members of community school boards which hire and fire teachers, set curriculums and generally manage the public schools. Before last term, the Court had ruled that states cannot constitutionally preclude permanent resident aliens from becoming lawyers, engineers or civil servants. This decision is inconsistent with those earlier decisions. Justice Lewis Powell wrote the opinion for the Court, giving states the right to impose a citizenship requirement for public school teachers.

(7) *Bell* v. *Wolfish*. (See Herman Schwartz, "Bad Times in the Bail Jail," *The Nation,* June 30.) In an opinion for the Court, Justice Rehnquist rejected the reasoning of several lower court decisions holding that unconvicted pre-trial detainees, who are in jail only because they cannot afford bail, cannot be subjected to conditions and practices that would be constitutionally permissible for convicted prisoners unless those conditions and practices are "necessary" to insure their presence at trial. Instead, the Court held that pre-trial detainees can be subjected to such conditions and practices even if they are *not* necessary, so long as they meet certain minimum tests of rationality, including ease of jail administration. In effect, this decision treats convicted and unconvicted defendants alike, without regard for the presumption of innocence, a presumption the Court believes is applicable, if at all, only during the actual trial.

(8) *Kentucky* v. *Wharton*. The Court held that even when a defendant specifically requests a jury instruction to that effect, a judge need not always instruct a jury that the defendant is presumed to be innocent.

(9) *Michigan* v. *DeFillipo*. In an opinion by Chief Justice Burger, the Court held that evidence seized under a statute later held unconstitutional can nevertheless be used at trial against a defendant, so long as the police acted in the good-faith belief that the statute was constitutional. Given the Burger Court's hostility toward the exclusionary rule, this decision is not surprising. But it does not make much sense. The officer's good faith would be relevant if the officer were personally sued for money damages, but the officer's good faith is irrelevant when the question is whether unconstitutionally seized evidence can be used at trial.

(10) *Scott* v. *Illinois*. In an opinion by Justice Rehnquist, the Court held there is no right to free counsel for indigent defendants in misdemeanor cases—even in those misdemeanor cases in which the defendant would have a constitutional right to a jury trial—unless at the *conclusion* of the criminal proceeding the defendant actually receives a sentence of imprisonment. If the defendant only receives a fine, no matter how large, or receives a suspended sentence or probation, there is no right to free counsel. The Court's opinion is based in part on its fear that any other ruling would entail "substantial costs" to states. It is a dangerous principle to recognize constitutional rights only if they cost nothing, but that is what the Court has done. Furthermore, this decision does not make much sense on social policy grounds. In misdemeanor cases, courts will either have to decide in advance that they will not impose prison terms, in which case the defendant will have little incentive to plea-bargain and much incentive to stand trial, or they will have to give all indigent misdemeanor defendants free counsel anyway.

Underlying all of these disturbing decisions is the Supreme Court's refusal to accept the responsibility in our three-branch system of government that the judiciary was expressly created to bear. Those who founded this nation knew that the legislative branch could be counted upon to express the will of the majority of the population. They also

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knew that majorities can sometimes be indifferent to the legitimate rights of minorities and individuals. Accordingly, they created the judiciary for the explicit purpose of protecting legitimate minority and individual rights from the unconstitutional acts of the majority. When the Court protects individual constitutional rights, it is not engaged in social engineering. It is doing precisely what it was designed to do. The Burger Court has lost sight of that responsibility, and has thereby undermined the careful system of checks and balances that makes a constitutional democracy possible.

The situation is even worse than that. Beyond ignoring its constitutional responsibility to protect the rights of individuals and minorities, the Burger Court has frequently reached out to decide issues that are not properly before it. In *Quern* v. *Jordan*, for example, the Court held, in an opinion by Justice Rehnquist, that states cannot be sued directly under the Civil Rights Act, even though both parties to that case had expressly told the Court that that issue was not before the Court, and did not have to be decided in order to resolve the issues that were before the Court. That issue was not briefed or argued by either party. In *Quern* and in other cases, the Burger Court has acted more like a mini-legislature than like a court. Reaching out to decide issues that have not even been raised by the parties involved can hardly be considered a "strict construction" of the Court's constitutional responsibility to decide only cases and controversies before it.

The statistics confirm the Burger Court's pro-government and anti-individual and minority rights bias. The Burger Court, which itself decides which cases it will and will not review, agrees to review about 6 percent of all cases when review is sought by a private civil rights or civil liberties litigant, but agrees to review about 75 percent of all cases when review is sought by the government. In short, when civil rights and civil liberties plaintiffs lose in the lower courts, the Supreme Court allows those lower court losses to stand without further review; but when the government loses in the lower courts, it will almost always get a chance for Supreme Court review. Since the Burger Court reverses or vacates lower court decisions in about 80 percent of the cases it agrees to review, this means the government has a good chance to win at the Supreme Court level when it has lost below.

This review has not been exhaustive. There are other good decisions, including *Colautti* v. *Franklin*, which struck down on grounds of vagueness an attempt to abridge the freedom of a doctor and patient to agree on methods of abortion, and *Duren* v. *Missouri*, which struck down the systematic exclusion of women from juries; and other bad decisions, including *Hutchinson* v. *Proxmire*, which held that a U.S. Senator's efforts to publicize examples of wasteful government spending are not immune under the Speech or Debate Clause from a private suit for libel, and *Vance* v. *Bradley*, which upheld mandatory retirement at age 60 for all Foreign Service personnel, regardless of their individual fitness. But a more exhaustive analysis would only confirm what every student of the Supreme Court knows: the Burger Court is not sympathetic to the rights of individuals and minorities. □

HUMAN RIGHTS IN ULSTER

'Without Identifiable Culprits'

CHRISTOPHER HITCHENS

"The moment the very name of Ireland is mentioned," said eighteenth-century essayist and wit Sydney Smith, "the English seem to bid adieu to common feeling, common prudence and common sense." This opinion has seldom been more amply vindicated than when it became apparent earlier this year that men wearing the Queen's uniform had been beating and torturing political detainees in Ulster. Persistent charges of torture, and the credentials of those who have complained about it, forced the British Government last year to set up an independent investigation headed by Judge H.G. Bennett. Lord Bennett's committee issued its report on March 16, and it concluded that the accusations made in June 1978 by Amnesty International and by others were in substance true. This incredible finding comes more than a year after the British Government was convicted of torturing Irish prisoners by the European Court of Human Rights —and undertook not to do it any more.

The fact that men often emerged from custody with injuries they had not had when they went in has never been denied. But the official explanation has always been glib and twofold: First, the Republican and Loyalist gunmen tend to put up a bit of a fight upon arrest; and second, and more bizarre, they are fanatical enough to damage themselves in prison and hope to attract sympathy thereby. This satisfying and self-validating excuse has been widely accepted by the nonjury courts and professional civil servants who actually run the Six Counties of Northern Ireland day by day. But it was too much for Dr. Robert Irwin, the chief doctor at Castlereagh Barracks, where the police interrogations mainly took place. In March he resigned his post, announcing that dozens of the injuries he had treated could not possibly have been self-inflicted. As he pointed out *inter alia*, there simply is not enough leverage in a human arm to enable it to fracture that human's own eardrum, and human eardrums were being fractured on a pretty regular basis at Castlereagh Barracks.

Dr. Irwin is a Protestant, so the usual accusation of I.R.A. sympathies could not easily be leveled at him. Instead, he was condemned as unstable by the same authorities who had been quite content to employ him up until then, and a careful smear was circulated by officials in the Northern Ireland Office, to the effect that Dr. Irwin was resentful because his wife had once been raped by a British

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soldier. This grotesque untruth—Mrs. Irwin had been raped, but the culprit was never detected—had the effect of waking up the torpid House of Commons, which had hardly debated the matter until then. Two further major resignations followed from the furor.

Dr. Denis Elliott, chief medical officer at the Royal Ulster Constabulary interrogation center in Armagh, announced that his professional oath made it impossible for him to work there any longer. Dr. Elliott is not only a loyal Protestant but a former local councilor for the Unionist Party. There were no efforts made to play dirty tricks on him. Then J. Donall Murphy, a Belfast solicitor and the legal adviser to the Northern Ireland Police Authority, tendered his resignation from that body. He complained that the allegations made by Amnesty International, by the European Court of Human Rights and by the Bennett committee "stood unrefuted and without identifiable culprits." The Chief Constable of Northern Ireland was thereby put in an impossible position, having asserted for months that the accusations against his men were "without foundation."

So matters stand at the moment. The crimes appear to have victims but not perpetrators, and with every day that passes the Catholic minority in the North grows more cynical about the forces of law and order. The Labor Government behaved much as a Tory one would have done—suggesting that criticism of police and soldiers during an emergency amounts more or less to treason. What the Tories will do is still unclear. Prime Minister Margaret Thatcher appointed as Minister to the Province an old friend of hers who has never in his life had anything to do with the place. And the reports of torture and beating have continued—described as "ill-treatment" by official euphemism.

It ought to be remembered that little if any of this would have come to light without the exertions of Amnesty International, which braved a barrage of "terrorist-symp" propaganda to produce its report of June 1978. This document distilled the testimony of forty different doctors in Northern Ireland, all of them involved in the examination of suspects. It also comprised the evidence given by many who had passed through the "holding centers" and interrogation barracks. The stories told by the latter are utterly horrifying—ranging from threats of rape to repeated beating of the genitals. In only a very small proportion of cases were any of those arrested and tortured ever charged with terrorism—so the argument about "not treating terrorism with kid gloves" seems to fall apart right there. If the British Government cannot root out the perpetrators of this kind of practice, its claim to be holding Northern Ireland in trust for its people is obviously exploded. □

The Secret Torturers

JACK HOLLAND

The Bennett Committee Report is merely the latest in a long line of such reports on violations of human rights by British security forces in Northern Ireland. Since 1971 there have been five. The British produced three, and one has come from Amnesty International. But the most damning of all appeared in 1976 after a five-year investigation by the European Commission on Human Rights at Strasbourg. The commission's report led to the European Court of Human Rights judgment of January 1978, finding the British Government guilty of violating Article 3 of the European Convention on Human Rights, which states that "No one shall be subjected to torture or degrading treatment." Although the court's findings and judgment got little attention in the United States, they are crucial for

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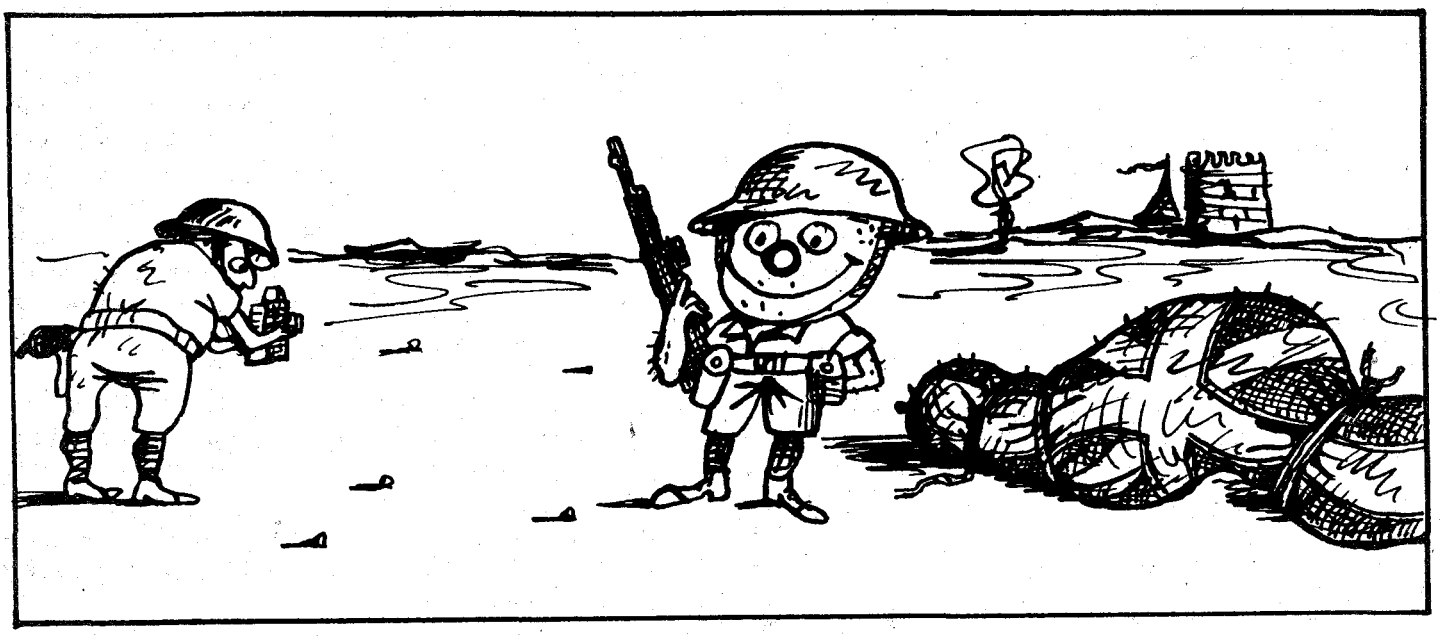

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an understanding of why the British Government allows the mistreatment of prisoners in Northern Ireland to continue.

The most serious violations investigated by the Strasbourg commission involved the use of a method of sensory deprivation known as the "five techniques." In August 1971 a selected group of prisoners—none of whom had ever been charged with any crime—were subjected to this form of "interrogation" for about a week; they were hooded and forced to stand spread-eagled against a wall for periods of up to sixteen hours at a stretch, while a high-pitched "white" noise filled the room. If they fell, they were forced to their feet by police officers. During the period of "interrogation" they were deprived of sleep and food. The operation was supervised by a British Army psychiatrist and a group of intelligence officers. The effect of the "five techniques" was to induce a state of psychosis in the prisoners. Many have since had nervous breakdowns. The British admitted that the techniques, which they had borrowed from the Russian K.G.B., has been used in all of Britain's colonial wars since the late 1940s, but until the revelation of their use in Northern Ireland, the practice had been a well-kept secret.

Although the nature of the techniques is now known, an even more important question has never been answered: Who was responsible for authorizing their use? A British Chief Justice wrote of the five techniques: "No Army Directive and no Minister could lawfully or validly have authorized the use of the procedures. Only Parliament can alter the law. The procedures were and are illegal." Strasbourg later found that the techniques had been authorized at Cabinet level. The Court produced documentary evidence in the form of an Army Directive to substantiate this. In other words, the British Government had broken the law it was supposed to be defending. Knowing this, successive British Governments have engaged in an elaborate (and expensive) cover-up which has (to date) kept secret the identities of all those involved in the application of the five techniques—from the officers who administered them to the Government minister who authorized them.

Had it concerned a part of the United Kingdom other than Northern Ireland, one suspects there would have been an outcry in the press for an investigation to find out who had allowed British citizens to be tortured by British police and security forces. Instead, the press for the most part did not pursue the question. But the failure to bring anyone to account for illegal use of these techniques set an ugly precedent: The abuse and mistreatment of prisoners in Northern Ireland's jails continue.

The revelations concerning the five techniques severely damaged the reputation of the British security forces at a critical time, and led to increased support for the violence of the I.R.A. The Bennett report will only confirm long-standing Catholic fears that there is little hope of that reputation being repaired in the near future. Their concern might well be increased by the fact that the Conservative Government now in Westminster includes one minister who—evidence strongly suggests—was responsible for authorizing the use of the five techniques

If the British Government is serious about the maintenance of impartial standards of law and order in Northern Ireland then it might well begin at the top—among its own ministers. Members of the Government clearly have little moral authority with which to persuade others to obey the law when they themselves have broken it with impunity. □

Wiretap

(Continued From Front Cover)

Although the 1968 wiretap statute is long and complex, its basic framework is relatively simple: Federal and state police can tap phones and bug rooms to investigate certain crimes if a judge finds that: the target of the surveillance is probably involved in criminal activity; the intrusion will be limited, and other investigative procedures are ineffective. Other than surveillance for national security purposes or where one party to the conversation consents to being overheard, almost all other wiretapping and bugging is illegal.

But from the time the act went into force the Government's assurances that electronic surveillance would be sparingly used and carefully supervised have been ignored. In the first place, it has not been used sparingly. Apart from national security surveillances, in the ten years from 1969 through 1978, the Federal Government installed more than 1,300 taps and bugs. There were well above 5,000 state taps during these years, the overwhelming proportion of which were in New York and New Jersey (only twenty-two states allow their police to tap, and few of these bother to do much). According to prosecutors' own estimates, at least 350,000 people and more than 4.4 million conversations have been monitored.

More important, the police have not focused on the serious crimes that proponents of the law claimed would be reduced with the aid of wiretapping—murder, espionage and kidnapping—but on lesser, often trivial offenses. Gambling of the pettiest sort accounts for well over half of all tapping, and in some jurisdictions much more. For example, in Suffolk County, N.Y., more than 85 percent of the thirty taps authorized in 1978 were connected with gambling investigations, and this is not unusual. Drug offenses, including marijuana possession, are the next largest category; in some localities, wiretapping is used only for drug investigations. The two offenses consistently account for in excess of three-fourths of all wiretapping. Murder and kidnapping rarely appear in the wiretap reports, and espionage or sabotage never.

Because a wiretap or bug monitors the conversations of anyone using the tapped phone, or present in the bugged room, no matter how peripheral the person or transaction is

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to the investigation, numerous innocent conversations are overheard, including intimate and legally privileged communications between a lawyer and client, a husband and wife, a doctor and patient. In a Federal drug case in Washington, seventy-three calls between a suspect's teen-age baby sitter and her friends were overheard. In twenty-one investigations in 1970 for crimes other than drugs or gambling, more than 1,200 people were overheard, but less than 20 percent of the 6,000 conversations were incriminatory, and in many cases, none were; there were almost no convictions. In a Queens, N.Y., gambling case, the Wiretap Commission staff found that a set of three taps operating for five months produced no evidence that could be used in obtaining two minor convictions, involving fines of $500 and $700, even though some 1,670 conversations were overheard.

Some of this eavesdropping on innocent people and conversations is technologically inevitable, but some police don't even try to avoid intruding on innocent conversations, despite an explicit statutory requirement that they do so. Prosecutors and police told the Wiretap Commission that many police will listen to every conversation, but record only those they think appropriate. In one case, agents of the Federal Bureau of Investigation and the Drug Enforcement Agency in Southern California didn't even do that. It was accidentally revealed that they recorded all conversations on "bootleg" cassette tape recorders, while "minimizing"—not transcribing irrelevant talk—on the tapes to be submitted in court. A New Jersey policeman testified that even if someone is overheard talking to his lawyer, the police listen in and any instructions to "minimize" are ignored. In one Michigan case, Federal agents bugged the wrong room, but continued to listen.

All this is very expensive. The average Federal tap reportedly cost about $27,000 in 1978, and even this large sum substantially understates the actual totals, for it omits the time lawyers and judges spend processing the papers and any challenges, often an enormous burden. Many installations run into the hundreds of thousands of dollars, and often with no result. A 1977 Federal tap in California, which reportedly cost $278,578, overheard 282 people during an eighty-day period in almost 3,000 conversations, yet no arrest has so far been reported, let alone a conviction. Another tap in New York in May 1977 cost $156,704, monitored 3,000 people in 9,883 conversations, of which only thirty were considered incriminatory, and produced no results. Maurice Nadjari, the former New York State Special Prosecutor who had a penchant for lengthy wiretapping and bugging, spent more than $1 million on this technique, with virtually no success.

Judicial oversight hasn't worked very well either, particularly on the state level, which accounts for about 80 percent of police wiretapping. From 1969 to 1978, only seventeen out of more than 6,700 wiretap applications were denied. The requirement that other investigative methods must be shown to be impractical by law-enforcement agencies before they are authorized to tap has proved ineffectual. One local prosecutor told the Wiretap Commission, "I have not found one judge who takes the time to read an *ex parte* wiretap application." Prosecutors from New Jersey and upstate New York noted that where judges do bother to read the papers, "they will rely in many instances on the identity of the applicant or . . . of the investigator." And if a judge gets sticky, the prosecutor will simply try to avoid him.

What has all this authorized tapping and bugging accomplished in the fight against crime? Not much. Neither organized nor any other kind of crime has been seriously affected. Illegal gambling continues at a torrid pace; drug traffic and drug addiction have not been reduced in the slightest. And the police haven't even tried to do much wiretapping to solve other kinds of crime, because they know it won't work.

The statistics and studies show that:

§ An overwhelmingly disproportionate number of convictions purportedly linked to wiretapping—more than two-thirds—are of bookmakers, and small-timers at that, "Mom and Pop operations" in F.B.I. parlance, who rarely draw anything but small fines. For example, 85 percent of all the Federal convictions related to 1975 wiretaps were for gambling. This heavy concentration on gambling obviously hasn't shaken organized crime or even reduced illegal gambling. And Federal prosecutors now acknowledge this by their practice: in 1978, Federal gambling wiretaps fell to six, from a high of 248 in 1971; Brooklyn District Attorney Eugene Gold installed fifty-two gambling taps in 1973 and forty-seven in 1974, but only two in 1978.

§ In drug cases, the Wiretap Commission found that electronic surveillance uses up too much manpower and is no more effective than the conventional nonelectronic methods, such as "buy and bust" and "turning" witnesses. Even where electronic surveillance is used, it can't penetrate the higher levels of the drug trade. "In Chicago," reported the Wiretap Commission, "Federal authorities have yet to identify a major violator or uncover a significant 'stash.'"

§ In all other offenses, electronic eavesdropping produces almost nothing. Its most zealous supporters concede that it offers little toward solving already completed "history" crimes like murder, assault, arson or robbery, or even continuing offenses such as corruption, loansharking and extortion.

§ Even where wiretapping is used in an investigation that produces a conviction, in many cases it turns out that the tap or bug was not necessary or even useful.

Many successful prosecutors have found electronic surveillance to be worthless. One Federal Organized Crime Strike Force attorney declared that wiretapping "has not often been applicable. We have been able to make a case without it and we have had more indictments and convictions than any strike force in the country." Another Federal investigator said, "All this bugging flap, and most of the time we got nothing."

Again, the actual practice of the last two years makes the point most tellingly. Those prosecutors who were initially enthusiastic about wiretapping and used it the most have turned away from it: New York City taps fell from an average of 145 during the first five years of the statute to just

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twenty in 1978, while Federal taps fell from a five-year average of 165 to eighty-one in 1978.

This lack of success is neither surprising nor new. Wiretapping was never considered a good crime detection technique but rather an intelligence-gathering device, designed to obtain bits and pieces of information about criminals' friendships, gossip and life styles—so-called "strategic intelligence." It was promoted as part of the "war" on organized crime proclaimed by Robert Kennedy in the early 1960s, under the rationale that in a war one tries to get every bit of "intelligence" about the enemy. Thus, *New York* magazine writer Nicholas Pileggi recently blamed the statutory controls on wiretapping for preventing police from learning such "invaluable raw data . . . [as] mob arguments, gossip, and the like . . . if Fat Gigi was losing weight, if Johnny Lamps grew a mustache, if Big Head was driving Cheech's car, if Johnny Hooks got a 'TV anchorman' haircut." If that's the kind of "invaluable raw data" the police seek from wiretapping, no wonder that organized crime seems so impregnable.

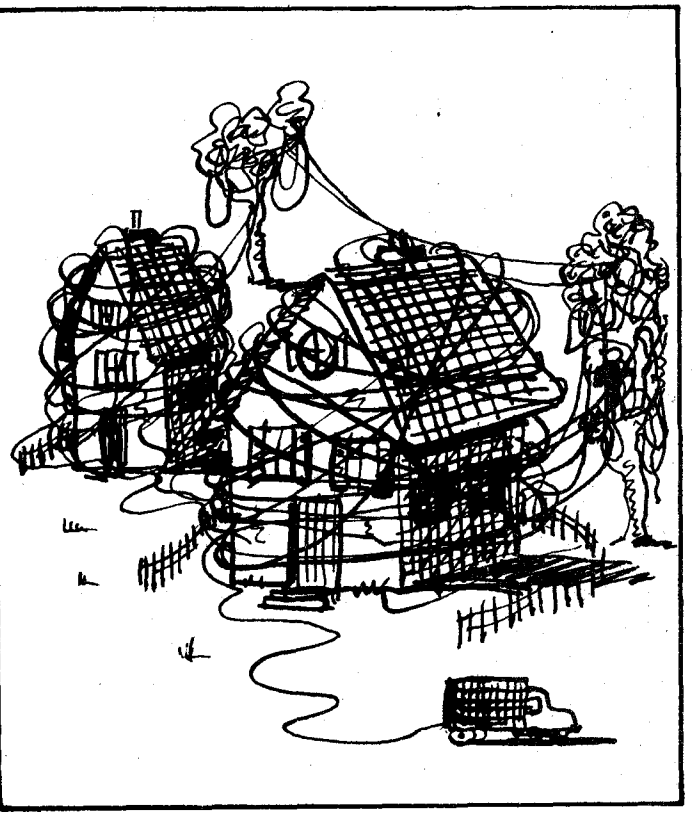
All of this was known both to those who pushed wiretapping and those who opposed it, for the wiretapping-bugging record prior to 1968 was also very poor. In 1955, an experienced New York judge reported that his records "showed some arrests and fewer convictions and then rarely if ever for a heinous offense." Many others agreed. It was also known that the court-order system was ineffective. Samuel Dash, later to become chief counsel of the Senate Watergate Committee, testified in 1961 that his study of New York City in the 1950s showed that experience with "judicial supervision has been very bad. Judges who are 'tough' are just bypassed."

Finally, everyone seems to agree that the statute has not noticeably reduced illegal private or police wiretapping. In Houston, the police were suspected of illegal wiretapping by a new police chief, but the F.B.I. refused to look into the matter. According to the chief, "either they were totally aware of what was going on and approved of it, or they were totally incompetent." Illegal police wiretapping has also been discovered in New York, Pennsylvania, New Haven, Chicago and elsewhere. Nobody knows how much illegal private tapping goes on, but indications are that it was and remains very high, despite the statute.

This is not to say that there are no success stories. Obviously there are. Any investigative tool, if used often enough, will produce something, if only through serendipity. Public policy cannot be based on occasional successes, however, but only on an overall assessment of costs and benefits. By such a reckoning, wiretapping has failed.

But what of the use of wiretapping and bugging to gather national security intelligence? In this area the record of the last ten years has also been momentous. Opening with the White House and other "horrors" of the Nixon Administration, the decade closed with enactment of the Foreign Intelligence Surveillance Act of 1978, one of the most innovative and encouraging developments in recent memory.

"National security" has such talismanic potency that when invoked, it overwhelms any concern for privacy or



confidentiality. The Central Intelligence Agency has opened hundreds of thousands of letters and screened millions more; the National Security Agency has intercepted millions of international cables and telephone calls; the F.B.I., the military, the C.I.A., the Internal Revenue Service and others have listened in on millions of phone calls in the United States involving countless numbers of people; the F.B.I., I.R.S. and others have committed hundreds and perhaps thousands of burglaries; lawyer-client conversations have been bugged and spied upon during criminal trials; informants and *agents provocateurs* have been introduced into peaceful groups, often with tragic results for family, friendships, jobs and health.

This has not been just a Nixon phenomenon. Virtually every President since Franklin D. Roosevelt has approved, condoned and encouraged at least some of these violations, though the Nixon people did seem more enthusiastic and shameless about the matter.

§ In 1941, Attorney General Francis Biddle had the Los Angeles Chamber of Commerce wiretapped as "persons suspected of subversive activities."

§ In the early 1960s, Attorney General Robert Kennedy authorized a "national security" investigation of the sugar lobby, including taps on a law firm, executive branch officials and a Congressional aide, plus a microphone in the hotel room of the House Agriculture Committee chairman.

§ In an effort to destroy Martin Luther King Jr., J. Edgar Hoover had the F.B.I. install sixteen "national security" taps and eight room bugs in Dr. King's hotel rooms and offices from the fall of 1963 until his assassination in 1968; New York City and Miami police also bugged Dr. King at the F.B.I.'s instigation, even in church. Senator Frank

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Church's Select Committee on Intelligence concluded that "there is no question that officials in the White House and Justice Department, including President Johnson and Attorney General Katzenbach, knew that the Bureau was taking steps to discredit Dr. King."

§ Within a few months of taking office in 1969, Richard Nixon authorized taps on four journalists and thirteen Government employees, allegedly to investigate leaks to the press about the Cambodian bombing and the SALT negotiations. One tap, on Morton Halperin, director of the Center for National Security Studies, recorded 638 calls, almost three-quarters of which involved family talk. The tap revealed nothing about leaks, was not based on any reasonable suspicion, violated Justice Department procedures and remained in place for almost two years despite repeated reports immediately after installation that it was producing nothing of value; it has been ruled flagrantly illegal by the Federal courts. None of the seventeen taps produced anything about leaks, but generated a wealth of information that was turned over to the White House about the personal lives of the targets—their social contacts, vacation plans, marital problems, drinking habits and sex lives, as well as purely political information.

These are but a few of many. Attorney General Edward H. Levi told the Church Committee on Intelligence that from 1940 to 1975, the F.B.I. alone had installed some 10,000 taps and bugs. This is only a small portion of the surveillance that actually took place, since the C.I.A., the N.S.A., the I.R.S., the military and some twenty other Federal agencies also tapped and bugged. The number of people and conversations overheard is incalculable, but it must be enormous.

And here again, the results have been meager. Talking to John Dean on February 28, 1973, Richard Nixon commented: "They [the taps] never helped us. Just gobs and gobs of material: gossip and bullshitting [unintelligible]. . . . The tapping was a very unproductive thing. I've always known that. At least, it's never been useful in any operation I've ever conducted."

The Question of Intervention
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Disgust and anger at these gross violations of basic decency produced the Foreign Intelligence Surveillance Act of 1978. Originally proposed by Attorney General Levi after the Church Committee revelations, the act creates a secret wiretap court to consider Government applications for electronic surveillance of foreign powers or foreign agents. The President is denied any inherent or other power to tap for foreign intelligence in the United States outside the statute (settling an old dispute), and no Americans may be eavesdropped upon unless their activities have some criminality about them, the most hard-fought aspect of the legislation.

The statute is too new and complex to evaluate. It does seem to be a gain for civil liberties, though there are some real problems: The special wiretap court was appointed by Chief Justice Warren Burger, and its trial and appellate levels are headed by two of the most Government-oriented members of the Federal bench—District Judge George L. Hart Jr. (who gave Richard Kleindienst a $100 fine and sympathy for lying to a Senate committee), and District of Columbia Court of Appeals Judge George E. MacKinnon; other members of the court are similarly predisposed. How closely will those judges scrutinize wiretap applications if a high Government official invokes national security to justify the tap? How real is the distinction between intelligence and criminal investigations, on which the law is based, since so many intelligence taps turn up in criminal cases? Why are foreign visitors given much less protection, even though their phones and homes are used so often by Americans?

Because of these and other problems, a great deal of intrusive eavesdropping in the name of national security is likely to continue. Yet the law will probably prevent some of the more egregious abuses of the last sixty years, especially if Congress takes its substantial oversight obligation seriously. And many of the specific definitions and provisions are a good model for similar types of legislation on F.B.I. charters and the like. All in all, the statute is a remarkable achievement at a time when much of Congress seems eager to forgive and forget the intelligence agencies' abuses.

In a rational world wiretapping and bugging would be banned, except in circumstances involving the most serious threats to life or national security and then only under the strictest judicial controls. Obviously, that's not going to happen. At the very least, though, we should:

(*1*) Stop electronic surveillance in gambling and drug cases as useless and expensive. This alone would eliminate most of the taps and bugs.

(*2*) End state and local wiretap authority, which was included primarily for New York City prosecutors; the 1977-78 figures show their disenchantment. Nevertheless, state and local wiretapping still accounts for 80 percent of the total, even though the abuses are great and the results are meager.

(*3*) Eliminate microphone surveillance of rooms or houses. Bugs are especially indiscriminate and uncontrollable and of no special value.

New and more penetrating methods of surveillance are already here. If we don't start doing a better job of protecting our shrinking enclaves of intimacy, we soon won't have very much left to protect. □

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Hamilton Fish
Publisher

1. What have you or members of your household done in the last four years to influence political issues?
   _____worked on political campaigns _____run for political office
   _____given financial support to candidates and/or lobby groups
   _____written articles _____written to publications _____written to representatives

2. Do people ask for your opinion on _____ political or _____investment decisions?
   _____Often _____Sometimes _____Seldom _____Never

3. How many people read your copy of *The Nation*, including yourself? _____
   What are their ages? _____
   Number males _____ Number females _____

4. Which periodicals do you read?

	Regularly	Occasionally
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. How many books do you read?
   _____1-2/Week _____1-2/Month _____Seldom read books

6. Where do you get your books?
   _____Bookstore _____Bookclub _____Order coupons in magazines _____Library

7. In the past two years have you or members of your household traveled:
   _____In the United States? Where and how often?_____
   _____
   _____Overseas? Where and how often?_____
   _____

8. Approximately what percentage of this travel was _____pleasure? _____business?

9. If you use credit cards, please indicate which ones:_____
   _____

10. Do you drink?
    _____cocktails most evenings _____cocktails occasionally
    _____wine with most meals _____wine occasionally
    _____cordials most evenings _____cordials occasionally

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11. How are you likely to spend your leisure time?

	Once a week	Once a month
_____attend sports events	_____	_____
_____participate in sports events	_____	_____
_____go to theater, ballet and/or concert	_____	_____
_____go to movie	_____	_____
_____dine at a restaurant	_____	_____
_____visit galleries and/or museums	_____	_____
_____entertain at home	_____	_____
_____go camping, hiking	_____	_____
_____other?_____	_____	_____

12. Do you smoke? _____Yes _____No Do you object to cigarette advertising?_____Yes _____No

13. How many records or pre-recorded tapes did you buy in the last year?_____

14. Do you own stereo equipment and/or tape equipment? _____Yes _____No
Television? _____Yes _____No How many?_____
Car? _____Yes _____No How many?_____

15. What types of investments do you own?
_____Real Estate _____Stocks _____Municipal Bonds _____U.S. Government Bonds

16. In which area do you live?
_____Metropolitan _____Suburban _____Rural

17. Do you _____own or _____rent? _____an apartment? _____a house?

18. Do you _____own or _____rent a second vacation home?

19. What is your household income? _____ less than $15,000 _____$15,000-$24,999
_____$25,000-$49,999 _____$50,000-$99,999 _____More than $100,000

20. What is your education?
_____Ph.D.
_____Master's
_____B.A.
_____Some College

Your spouse's education?
_____Ph.D.
_____Master's
_____B.A.
_____Some College

21. What is/was your field of study?
_____

Your spouse's field of study?
_____

22. What is your occupation?
Position _____
Type of Business:_____
_____

Your spouse's occupation?
_____
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BOOKS & THE ARTS.

For the Worker Who Has Everything...

BERNARD NOSSITER

WHAT WENT WRONG? Why Hasn't Having More Made People Happier? *By Jeremy Seabrook. Pantheon Books. 286 pp. $10. Paper $3.95.*

Jeremy Seabrook has broken through the class barrier that usually cuts off writer from worker in Britain to talk at length with several dozen blue-collar men and women in working-class communities across the country. He has recorded the essence of what they say, stripping his monologues clean of the incoherence, repetition and awkwardness that make up all speech. What he has produced is not a literal record but an imaginative rendering of work and its discontent, of life and its emptiness in a relatively affluent, largely secure welfare society.

Seabrook's report has the ring of truth, although it is a partial and incomplete truth. His workers, almost uniformly, describe lives that are barren and pointless. They are free from the misery older workers remember in the past. But they lack meaning, they lack satisfaction.

George Hodgkinson, an 85-year-old former shop steward, tells Seabrook of the "sense of common purpose" in Coventry when it was being rebuilt after its brutal bombing in World War II. "That carried us into the postwar years," he says. But now, there is no sense of involvement. "We're living through a time of great savagery."

Derek Jenkins, a Birmingham car worker, enjoys a relatively high wage, but feels dehumanized by what he does. Even punching a time clock at the start of the day "is an act of surrender." The strange work clothes—goggles, masks and the other protective paraphernalia—make a man march like "a Dalek to your machine." Companionship keeps men human, but Jenkins and his mates are cut off from one another by the noise of metal cutting and the distance imposed by the assembly line.

Seabrook breaks up these commentaries with his own reflections. He traces worker discontent to three principal causes. Abundance itself has somehow corrupted working men and women, substituting things for feelings, even weakening family ties, replacing love with goods. Technology, a necessary condition of the increased command over goods and services, has reduced men and women to extensions of machines, robbing them of skills that once gave pride and satisfaction to work. (Seabrook comes from a family of skilled shoemakers and feels this loss with special force.) Finally, the capitalist order, because of its very success in raising incomes and providing jobs for most, has dulled the socialist vision, depriving men and women of dreaming and working for a cause larger than themselves.

In Seabrook's world, only the union officials on the shop floor seem to derive any satisfaction from work; they see themselves laboring for others. A branch, or local, secretary for the miners recalls with pride how he organized food, money and news for striking miners in 1972. Neither he nor Seabrook sees the irony in this. By then, the mines were nationalized—one of the historic demands of the union—and the "class enemy" was the very state the union had sought to replace private owners.

The genuineness of the despair in Seabrook's report is beyond doubt. Nor are there many who still argue that an increased flow of goods and services is an automatic guarantee of the New Jerusalem. Indeed, the alienation of factory workers from their work, their insistence on increasing leisure at the job, is a powerful cause of the low productivity in British industry. The phenomenon has not yet been examined as carefully in the United States. But the low rate of increase in manufacturing productivity here over the last ten years raises more than a suspicion that U.S. workers are also choosing leisure on the line over goods.

But factory workers are a small and diminishing part of the labor force in all advanced nations, a point Seabrook barely mentions. The working class in Britain and other developed nations increasingly wears white collars in offices, stores, government bureaus, schools and elsewhere. In the United States, the number of white-collar workers passed that of blue twenty years ago; the turning point in Britain occurred not long after. The fastest growing unions in both countries are those of government workers, teachers and technicians. But Seabrook does not talk to them.

His notion that worker discontent is peculiar to capitalism is hard to sustain. It is doubtful that workers in the mines mills and factories of Eastern Europe find their labor more rewarding because they are told that it is for a socialist society rather than a private employer. A dull and dehumanizing job dulls and dehumanizes, regardless of the particular set of arrangements governing ownership of the means of production. It takes the romanticism of a Communist councilor in a Welsh mining town to contrast "a pride in cutting coal" with the supposed lack of "satisfaction" in "nonproductive service industries." It may turn out that the greatest boon provided by both capitalism and technology is the transfer of work away from factories, mines and mills.

Seabrook and those he interviews frequently complain of the cruelty and violence of modern life. Their existence is undeniable. But older workers remember the cruelty and humiliation of sudden dismissals from jobs, the lack of dignity imposed by master on man, the harshness of hunger—all now softened by union contracts, expanding employment and the most wretchedly bureaucratic of welfare services. Even the prevalence of crime in British cities does not stagger students of the Victorian underworld—brutality was probably far more pervasive in number and space then.

More convincing are those who speak of the breakdown of community, of the neighborhoods, no matter how impoverished, that offered a sense of support. Even the old tenement rows with outdoor toilets and freezing tap water in

Bernard Nossiter, former London correspondent of The Washington Post, *is joining* The New York Times *as its U.N. bureau chief. His latest book is* Britain—A Future That Works *(Houghton Mifflin & Co.).*

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a cold yard were places where people looked after one another and one another's children. The public housing high-rises that have replaced them isolate man from man. This is starkly evident in so grim a city as Belfast, where Catholics and Protestants cling to their mean ghetto terraces, oddly secure and comforted by a sense of caring neighbors.

Seabrook records his conversation with only one white-collar worker, Dave Ransome, a chemistry teacher and union representative. We hear only briefly from Ransome, who is gently mocked for talking of the labor movement's need to abandon its "cloth cap" image. But Ransome may have a more accurate sense of who is in the labor force today than Seabrook.

Indeed, Seabrook almost suggests as much himself. He ends with an account of his family's reunion; the children are the sons and daughters of shoe workers whose task is now largely performed in the newer industrial nations. Reg, the oldest at 60, remembers when unemployment meant hunger, and youngsters at work were arbitrarily replaced by even younger and cheaper lads. No socialist vision is likely to make those conditions more endurable. Of the six family members assembled, one is a receptionist, another a salesman, one is a coin dealer, another a builder, another a social worker, and Seabrook himself is a writer. Whatever their disappointments and frustrations, it is unlikely that any of them would trade places with their shoe-working elders.

None of this is an argument that all change is for the better in every way. But the nature of work in modern nations is changing. Seabrook has recorded, with fidelity and eloquence, the misery and disappointment of a segment of the working class. But it is a diminishing segment. No examination of the working class in Britain or in any other developed society is complete without looking at the more typical workers in classrooms, offices and stores. □

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The Hidden Abode

ROBERT HOWARD

CONTESTED TERRAIN: The Transformation of the Workplace in the Twentieth Century. *By Richard Edwards. Basic Books. 261 pp. $12.95.*

The workplace guards its opacity with peculiar stubbornness. In 1867, Karl Marx christened it "the hidden abode of production, on whose threshold there stares us in the face, 'No admittance except on business.'" The trek of journalists and academics to the workplace has increased appreciably since Marx, but our understanding of work has not. All too easily (and in this, our culture conspires with us), we forget that work is a relationship of power, and the workplace a profoundly political realm. *Contested Terrain*, by economist Richard Edwards, reminds us of this fact. It demonstrates the continuing power of Marxism to reveal the domination at the bottom of so many working lives.

For Edwards, work in capitalist society is shaped by a struggle for control of the workplace: the necessity of the capitalist to control is matched by the tendency of workers to resist. There have been three modes of capitalist control in industrial America. In the nineteenth century, when firms were small and the relationship between the entrepreneur and his work force was direct, control could be "simple," grounded in the charismatic authority of the paternalist chief. The boss was often harsh and authoritarian, but his workers felt an attachment to him which seemed to make his control over them legitimate. "Workers undoubtedly were oppressed and exploited by such employers, but they also became enmeshed in a whole network of personal relations. They had someone with whom to identify."

However, the widespread concentration of capital around the turn of the century and the vertiginous growth in firm size which accompanied it made simple control obsolete. The rise of the foreman provided an "interim solution" in which the authoritarianism of simple control continued, shorn of the personal identification which paternalism promised. The foreman signified the impersonal, coercive basis of rationalized capitalist control.

As paternal identification with the firm withered, worker resistance multiplied. Edwards is best at charting the transition from simple to "structural" control. He persuasively reinterprets the often-studied turn of the century strike wave—from the Pullman strike of 1894 to the U.S. Steel strike of 1919—as struggles over workplace control. The corporate world finally triumphed (with the help of official violence, World War I and the repression of the American left), but it would be at least thirty years before the new forms of structural control were firmly established.

The development of technologies of mass production—most important, the assembly line—made "technical control" possible. Here, the authority of the capitalist seems generated inherently in the technical organization of production. Domination no longer stems from the foreman—the traditional symbol of coercion in the workplace—but from the "natural" imperatives of technique. "The actual power to control work is . . . vested in the line itself. . . ."

But this is still incomplete. Technical control may disguise the power relationships of the workplace but it cannot guarantee workers' loyalty. The fulfillment of structural control is "bureaucratic control," where authority is

Robert Howard's articles and reviews have appeared in The New Republic *and* Commonweal.

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"embedded in the social and organizational structure of the firm . . . job categories, work rules, promotion procedures . . . and the like." Bureaucratic rationality encourages a new kind of identification—not with the capitalist boss but with the corporation itself. The intricately modulated world of corporate rules defines acceptable work behavior and rewards it with "professional advancement." Gone is the sense of opposition to the foreman; indeed, the bureaucratic foreman is a shadow of his authoritarian ancestor, relieved of all personal power, a mere facilitator of company rules. Nevertheless, the internalized control of the bureaucratized firm is far more totalitarian. "In bureaucratic control, workers owe not only a hard day's work to the corporation but also their demeanor and affections."

More than a history of the sequential forms of capitalist control, *Contested Terrain* explores the simultaneous existence of these systems in the contemporary workplace. Expanding on the traditional theory of the dual labor market, Edwards identifies three current economic sectors which more or less correspond to the three historic systems of control. This typology provides a key to the bewildering diversity of the American working class. Each labor market and its distinguishing form of control creates a different "fraction" of this class. The "working poor" are relegated to the secondary market of low wages and insecure employment, where simple control still dominates. The classic proletariat of traditional heavy industry make up the "subordinate primary market" where technical control is most common. Finally, those enigmatic categories for all Marxists—the middle layers of clerical, sales, technical and professional staffs (and now even the foreman himself)—occupy the "independent primary market" where the internalized values of bureaucratic control rule. This image of a fragmented working class goes a long way toward explaining the failure of a broadly based political labor movement in the United States.

Contested Terrain is a provocative expansion of the Marxist theory of alienation. Yet, like much work in the Marxist tradition, it lacks a well-articulated psychological theory and this has serious implications for its political judgments. The gap is clearest in Edwards's discussion of bureaucratic control. What is missing are the actual psychological mechanisms by which capitalists induce workers to make the corporation's cause their own. Put simply, there is little discussion of ideology in this book.

This tends to undermine Edwards's optimism about a new working-class alliance born of the contradictions of bureaucratic control. Richard Sennett has written that "Dissatisfaction with work does not have the consequences socialists used to think it would; it does not become translated into political action. Workers resist the demands of managers, and even union leaders, for discipline and self-sacrifice. But for the most part they have no idea what authorities they would want instead."

Edwards hopes that as capitalists abandon democracy, workers will come to see its only true fulfillment in socialism. I share that hope. But to understand how such an evolution might come to pass requires a more textured understanding of the psychological poles of identification and resistance. *Contested Terrain* does not quite provide that understanding, but neither has anything else to date. Edwards points to a crucial field of research and reflection, and takes a valuable first step toward penetrating the hidden abode. □

Friendly Visitors

THOMAS BENDER

URBAN MASSES AND MORAL ORDER IN AMERICA, 1820-1920. *By Paul Boyer. Harvard University Press. 387 pp. $18.50.*

EVERYTHING IN ITS PLACE: Social Order and Land Use in America. *By Constance Perin. Princeton University Press. 291 pp. $12.95.*

The United States, it has been remarked, was born in the country and moved to the city. This demographic fact trans-

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lated itself into an omnipresent cultural worry in the nineteenth century: How could the moral order of society be maintained in a highly differentiated and impersonal urban environment? The specter of moral chaos impelled Americans to such enterprises of social invention as tract societies, Sunday schools, charity organizations, public schools, YMCAs, children's aid societies, "friendly visitors," parks and playgrounds, prisons and asylums, city beautification and more. Over the past decade or so, social historians have devoted much attention to these various reforms and the ideas behind them. Paul Boyer's fine book, *Urban Masses and Moral Order in America, 1820-1920,* builds upon this scholarship (though deliberately underplaying schools, asylums and prisons, about which the literature is already quite rich) to develop a general interpretation that establishes these movements as part of a single cultural quest.

Boyer's theme is the search for a particular moral order in America's cities. The multiplicity of urban reforms that he describes derives from a vision or, better, a misty memory of the unified moral order of the village. A century of urban reform turns out to be a succession of attempts to contrive some "artifice" for reproducing in the city the "natural" order of a village life that was receding irretrievably into the past.

The quest begins in the Jacksonian period. The imagery and the character of the response to this first urban crisis seem initially to have an almost antique quality to them. Surely there can be little to link early American tract societies with the more modern, urban reforms of the Progressive era. Yet as one follows Boyer's argument, the connections get stronger. Even the emergence of an environmentalist perspective at the end of the century—something usually treated as a major break in the reform tradition—becomes, in Boyer's interpretation, "not only a continuation but indeed an apotheosis of the earlier movements."

The assumption that the city can and ought to become a cohesive community knit together by shared moral and social values links Jacksonians and Progressives. Their tactics, it is true, differed. Jacksonians and most later nineteenth-century reformers sought to intervene directly in the lives of individuals and families, while Progressives (and some earlier reformers like Frederick Law Olmsted, ignored by Boyer) preferred indirect manipulation through more general reform. These differences in approach are critical, but even more striking is the consistent inability of either group of reformers to understand or appreciate that diversity and conflict of values must be fundamental facts in any viable urban philosophy.

The failure to grasp this essential quality of urban life provided the basis for a tradition of moral surveillance in urban America. The informal watchfulness of the village became surveillance in the city. There were suspects and there were custodians. To the custodians fell the responsibility, in the words of Josephine Shaw Lowell, for the "moral oversight of the soul." Voluntary associations rather than government were the preferred watchdogs of the moral reformers. Lyman Beecher, the most articulate spokesman for the first generation of them, proposed the creation of "local voluntary associations of the wise and the good" that would organize moral opinion and establish its power even in the city. It should be noted that the wise and the good in Beecher's time, and later, included businessmen and professionals as well as ministers. Successful business and professional men pursued every means they could imagine to establish a remembered moral order in the new world of the city, but this imagination had limits: They never grasped the ways in which their own economic activities were a fundamental cause of the urban problems they addressed as reformers.

During the Progressive era there was a noticeable shift in the rhetoric and technique of moral intervention. It was muted. The quest for moral leverage over others became less explicit and direct, and it was often masked in the technical language of expertise. This shift in sensibility is also reflected in a growing tendency to speak less of suppressing vices and more of releasing virtues. All of this, however, was contained within the traditional vision of a unified moral order.

The new urban order, according to Boyer, comes in the 1920s. A new set of "controlling assumptions" about urban life emerged. At this point one finds an appreciation of the diverse urban moral orders and social environments in the writings of Robert Park, Lewis Mumford and Dashiell Hammett—all of whom are prominently cited by Boyer. But here Boyer shifts ground. He has left practicing reformers and civic leaders for men of words.

In the realm of practice he suggests that the moral impulse culminated and exhausted itself in Daniel Burnham's Chicago Plan of 1909. After that, he notes, there is no longer a unified moral vision as planners turned to zoning and other bureaucratic techniques. Constance Perin's recent book, *Everything*

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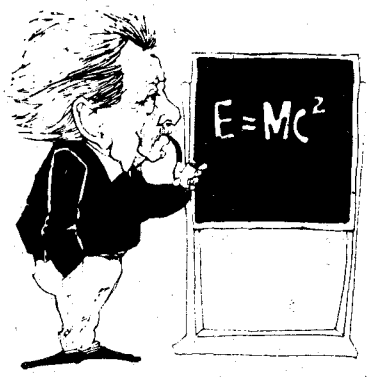

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in Its Place, allows us to judge whether zoning as a technique, to take it as our example, replaced the earlier cultural quest for an urban moral order or whether it assimilated this tradition and made it invisible to all but the most sensitive eye.

Perin is an anthropologist and city planner who interviewed twenty-four individuals prominent in the production of housing in Philadelphia and Houston (the latter city chosen because it lacks zoning laws). Some of her group are builders, some are bankers, some are planners, some are political figures; all are plausibly equivalent to Boyer's civic leaders. She uses her open-ended interviews with these men as "texts" worthy of cultural analysis; her aim is to extract from them the vocabulary of social meanings—the "rules and understandings"—underlying American land use practice. She explores in this context, among other things, zoning laws.

It must be said, unfortunately, that *Everything in Its Place* is a badly written book. But it rewards readers willing to struggle through because there is so much that is fresh here. Constance Perin reads both the cityscape and her texts with a sharp eye. She penetrates the culture of American cities and in the process illuminates the cultural issues involved in the literature of urban history and city planning: density and decentralization, homogeneity and diversity, old-timers and newcomers, renters and owners. She persuades me that the land-use system in America is a "moral system that both reflects and assures social order."

The major social concern associated with the zoning laws and land-use practices that have guided the suburban reconstruction of metropolitan America in the twentieth century has been the persistent exclusion of rental units from areas of single-family dwellings. Much of the discussion of this problem has centered on economics and race, but Perin shows that it is perhaps more helpful to think in terms of a configuration of cultural understandings that assumes a particular relation between individual morality and the moral and spatial order of cities.

Perin argues the existence of a deeply held belief in a proper sequence of moral development that culminates in full civic status through homeownership. A permanent renter is not accepted as a full citizen. Homeownership confers moral and civic standing; everyone must move toward this end to achieve full moral and civic assimilation in America. Ironically, this moral ladder has very little to do with the Jeffersonian myth of the independent yeoman so often associated with suburbia. It more nearly reflects Victorian notions of restraint and discipline. It is not the freedom of homeownership that is stressed but the dependence of the debtor. The mortgage conferred by the banker endows the owner with social honor and insures moral behavior by imposing what nearly always is a lifelong financial obligation.

The instrument of moral surveillance is impersonalized—from the "friendly visitor" to the bank mortgage—but no less demanding of a prescribed and unitary moral code. The renter, like the Jacksonian poor, is liable to be undisciplined, unpredictable, even irresponsible; both are dangerous to the moral order of the city. Not so the upstanding homeowner, ever under the moral discipline of a permanent "shadow of indebtedness." How could such different moral types be neighbors?

If Boyer and Perin are correct, then

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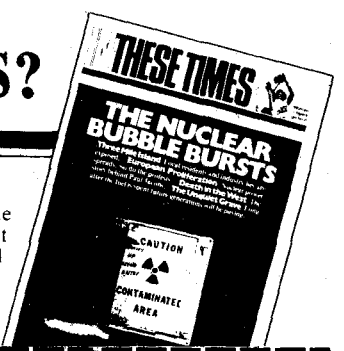

Capitalism is the unspoken reality of American politics. That is one thing the major parties agree upon: praise capitalism (not too often and preferably by another name) but don't discuss it. Preclude serious discussion of the central reality of our times.

This is to be expected. The major parties are committed to the capacities and limits of the system. It is their job to keep corporate capitalism "above" politics. It remains to be seen whether the Democratic and Republican parties will succeed in keeping corporate power out of the political arena. If they do they will only be doing their job—and socialists will *not* be doing theirs.

Our job is to bring capitalism into politics as the great issue of our time. *In These Times* is committed to beginning the job and to seeing it through. It is a job whose time has come.

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the tradition of moral order is a central fact of the American urban experience. This system of moral surveillance has effectively ordered urban life and regulated assimilation to full civic status. But its consequences have been pernicious in a way that deserves emphasis. What affirms the civic status of one group (middle-class reformers, homeowners) denies that of other groups (urban poor, renters). The quest for moral unity thus demands permanent and invidious moral distinctions. □

Songs With A Message

JULES CHAMETZKY

SOCIAL POETRY OF THE 1930s: A Selection. *Edited by Jack Salzman and Leo Zanderer. Burt Franklin & Company. 334 pp. $14.95.*

This is an anthology whose time has come, although the editors' intention—to facilitate a reassessment of leftist poets from the 1930s—might have been better served by more editorial apparatus, including some critical evaluation. I am not asking for a tiresome "literary history," or the good gray weight of a Norton anthology, but a period and a style so thoroughly dismissed as this has been needs more commentary. A longer introduction, or some accessible headnotes, might tell us more than that "social injustice" was the common subject for such diverse poets as Alfred Hayes publishing in *Partisan Review* (when, before or after 1936?), James Neugass in *The New Republic* (why such exceptional poems about the Spanish Civil War in that magazine at that time?), H.H. Lewis (who?) in *New Masses* (and how did that differ from *PR*, either before or after the Phillips/Rahv split?), and Norman Macleod in *Front* (what *was Front*?). Frustrating not to have this kind of information available.

Of course, presenting the poems nearly naked invites the reader to confront the work freshly, without preconceptions. In doing so, one is struck by recurring aspects of a period and a style: the deep debt to Eliot, Pound and Crane (as the editors observe), despite politics or philosophy; the imagery of urban life and of sexual disease; the vernacular as a major source of energy; the search for deliverance or, to put it differently, a conversion myth suitable to this particular age of violence.

There are twenty-four poets represented, arranged alphabetically from Stanley Burnshaw to Richard Wright. Kenneth Fearing's "Dirge," despite its similarity to Cummings's work, remains my favorite:

> And wow he died as wow he lived
> . . .
> With who the hell are you at the
> corner of his casket,
> and where the
> hell're we going on the right-hand
> silver knob, and who the
> hell cares walking second from
> the end with an American
> Beauty wreath from why the hell not

Like other poems in the volume, it displays a command of the vernacular and of pop culture, exuberance, wit and a refreshingly mordant and irreverent radicalism. Horace Gregory's "Dempsey, Dempsey" ("Everybody give the big boy a hand,/a big hand for the big boy, Dempsey/failure king of the U.S.A.") is another such minor classic, despite its occasional verbosity. Two of Edwin Rolfe's poems, "To My Contemporaries" (some of his fellow leftist poets) and "City of Anguish" (about Spain) sum up with authority and occasional beauty a style and an experience. Joy Davidman echoes Prufrock when she writes about "Twentieth Century Americanism"—"Beside/The bedroom window long trains ride,/The harsh lights come and go outside"—but her bitter ironies seem to me less cerebral and pinched than Eliot's. She transforms that debt, much as she does the Browderism of the title, and allows us, finally, an unsentimentally humane vision of what ought to be. Hers is not the mechanical vision of a red dawn coming from the East that inspires some of the more bombastic poems in the volume.

Yet even in the most self-deluded, one can discern the poignancy of hope and a wished-for transfiguration. Muriel Rukeyser, who is *not* one of these, presents the problem with sophistication. She writes with density, trying to get everything in—ideology, history, language. Still there is the echo of Eliot but with a difference, as in "Theory of Flight":

> You dynamiting the structure of our
> loves
> embrace your lovers solving
> antithesis,
> open your flesh, people, to opposites
> conclude the bold configuration,
> finish
> the counterpoint. . . .
>
> the guns are dying the past is born
> again
> into these future minds the incarnate past
> gleaming upon the present

Her Hegelian rhetoric and dialectic are an effort to transform the religious tradition suggested by the word "incarnate" and to come up with another linguistic tradition or set of symbols. The problem recurs among revolutionary poets: how to write out of a commitment to the present and future with the language of tradition, the past.

"Making it new," or trying to, many of these poets are indeed indebted to Pound and modernism, but they have often been discredited for political reasons, and have been insufficiently read and reprinted. The editors of this anthology open with a splendid observation by the scholar Allen Guttmann, who notes that the monolithic *Literary History of the United States* includes a discussion of such worthies from the past as Fanny Fern and Kimball Flaccus, but "completely ignores poets Joy Davidman and Edwin Rolfe." *Social Poetry of the 1930s* performs the valuable service of rescuing significant contributions to our continuing self-assessment. □

Jules Chametzky, who has edited The Massachusetts Review, *teaches literature at the University of Massachusetts.*

Worker Writers

DAVID MATZA and DAVID WELLMAN

During the last year, literary stirrings which may signal the early stages of a proletarian renaissance on the West Coast have surfaced. These stirrings come

David Matza and David Wellman are both at the Institute for the Study of Social Change in Berkeley, Calif.

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partly from Singlejack Books (Box 1906, San Pedro, Calif. 90733), an example of one of California's most fascinating recent phenomena—the small, independent press. Singlejack has published four books during the past year: three of them by working rank and filers, one by a radical who practices labor law—all are aimed at an audience of working people. *Labor Law for the Rank and Filer* is by Staughton Lynd, a well-known leftist historian, now active in labor law. *Steelmill Blues* is by a young worker, Steve Packard, fresh from a hippie radical background. *Longshoring on the San Francisco Waterfront* is by veteran longshoreman Reg Theriault. There is also a book of short stories and poetry, *A Place in Colusa*, by longtime longshoreman and writer George Benet.

Singlejack is an attempt to break down the isolation created by work and to replace it with trust among people who recognize their common experience. We learn on the copyright page that the term "singlejack" originated with the hard-rock miners of the American West. At first, the term referred to the dangerous process by which miners worked in pairs in the drilling of holes for the insertion of dynamite. Later, organizers for the Western Federation of Miners and the Industrial Workers of the World added meaning to the term. It came to refer to "that method of organizing where dedicated advocates are developed one at a time on a highly personalized basis—as between partners." The Singlejack effort seeks to give a voice to those people who are often objects of popular fascination but who have no medium through which they can describe themselves. □

BOOK NOTES

Labor

MILTON CANTOR

SO SWEET TO LABOR: Rural Women in America, 1865-1895. *By Norton Juster. The Viking Press. 293 pp. $16.95.*

Juster's collection of letters, recipes, essays, poetry—mostly drawn from popular literature—evokes the concrete struggles, deeply held cultural values and the blind spots of nineteenth-century rural women. His documents tell us something about the fragility and chanciness of life in rural America and about the part played by those whom history has swept into the darkened corners of our national past. Juster has selected excerpts that suggest how farm women were carriers of tradition, how nascent discontent mingled with the cult of domesticity, how the endless farm chores and burdens did not necessarily weaken the sentimental idealization of home. This view of women working in the home and on the farm is not, then,

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— JERRY GORDON,
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& Butcher Workmen of
North America, AFL-CIO,
April, 1979

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one especially comforting to contemporary feminists who have a taste for retrospective symmetry. Notwithstanding the endless drudgery of kitchen, home, garden and farm itself—the wearing monotony, isolation, "trials and privations of pain and poverty"—social custom and the status quo prevailed. For many rural women, feminist "clatter" was ridiculed and rebellious voices ignored. Juster's collection is a realistic and balanced sampling, and enlarges our understanding of the still mostly uncharted history of farm women.

WOMEN AT WORK: The Transformation of Work and Community in Lowell, Massachusetts 1826-1860. *By Thomas Dublin. Columbia University Press. 308 pp. $17.50.*

Women at Work is not simply one more study of women mill operatives in pre-Civil War Lowell. It reconstructs the rural New England roots of the Yankee women who first entered the mills, by shrewdly combining the data and correspondence drawn from three New Hampshire communities, and it then explores the impact of early industrial capitalism on the values of this pre-factory labor force. Of the many books about Lowell's operatives, only Dublin's perceives the indissoluble relationship of consciousness and material reality. He has explored this history with better judgment and more sensitivity toward the common life of Lowell's female labor force than any other scholar of our day.

HARD-ROCK EPIC: Western Miners and the Industrial Revolution, 1860-1910. *By Mark Wyman. University of California Press. 341 pp. $15.95.*

Mark Wyman's sympathetic account of the Western metal miners includes graphic details of their bitter struggle for unpaid wages, for industrial safety legislation, for corporate liability in the event of mine accidents and for workmen's compensation. There are vivid descriptions here of the debilitating effect of the new technology upon the work force: the shaft accidents as mines went deeper; the "miners' consumption" that came with the power drills; the rising accident rate, unparalleled in modern mining. Wyman also explores the growing conflict between the Industrial Workers of the World and the Western Federation of Miners and, given the surprisingly good labor-management relations, the miners' turn from radicalism. This last development, considering all the publicity about mine violence and I.W.W. syndicalism, is unexpected. The fact that native-born, not immigrant, miners became strike-breakers, and that hard-rock miners, not simply farmers, participated in the Free Silver crusade, also revises our notions of this history. Throughout the book one finds the compassion and understanding that mark works in the best tradition of historical scholarship.

Milton Cantor is the author of The Divided Left *(Hill and Wang) and* American Workingclass Culture *(Greenwood Press).*

INDUSTRIALIZATION AND THE AMERICAN LABOR MOVEMENT: 1850-1900. *By Irwin Yellowitz. Kennikat Press. 183 pp. $12.50.*

Irwin Yellowitz's book is the most traditional of those under review. Treating labor history in orthodox fashion, as history from the top down, he explores the response of organized labor—rank and file as well as union leadership—to mechanization and to all post-Civil War changes in industrial capitalism. Thus the now familiar reaction of the older unskilled workers and craftsmen to technological innovation, to the growing number of women and children in industry, to the mounting immigrant work force is described in workmanlike, occasionally repetitious, prose.

ARTISANS OF THE NEW REPUBLIC: The Tradesmen of New York City in the Age of Jefferson. *By Howard B. Rock. New York University Press. 340 pp. $17.50.*

Rock's study of New York City's artisans (or "mechanics" as they were then called) admirably complements, and surpasses, Charles Olton's *Artisans for Independence.* It is a scrupulous account of the artisans' entry into the post-Revolutionary political arena. It describes how socially prominent, upwardly mobile mechanics obtained political office; and indeed, much of this book focuses on the urban political scene. One looks in vain, then, for the culture and ideology of nonmechanics (Irish laborers, for instance) for the motives for political and economic craft programs, for manifestations of craft anxieties such as Know Nothingism, or for the relation of artisans and revivalism, a potentially rich subject neglected by virtually all scholars except Herbert Gutman, Bruce Laurie and Anthony F.C. Wallace. But Rock gives us a fascinating and instructive survey of the wrenching transition from pre-industrial to factory work, the shifting relationship of journeymen and masters, the persistence of a rural craft culture and its conflict with the new factory discipline, with what Paul Faler has elsewhere called the new industrial morality. For that modest foray into the new social history, scholars should be grateful.

THE WORK ETHIC IN INDUSTRIAL AMERICA: 1850-1920. *By Daniel T. Rodgers. University of Chicago Press. 300 pp. $15.*

Rodgers's *The Work Ethic* is not an example of the new social history. Nor is it, happily, armed with computer tables and the paraphernalia of coding sheets and graphs. Rather, it is traditional intellectual history, a survey of the work ethic as it evolved from a religious to a secular expression. His themes are not unfamiliar, nor are the parts about the Victorian middle-class emphasis on work and duty—on thrift, diligence and self-discipline—terribly original. But Rodgers has given us a consistently engaging and illuminating study, even though it is all curiously depersonalized, however elegantly presented, and doesn't deal with such hard questions as the relation of base and superstructure. But that is not Rodgers's aim. What he does offer is a subtle account of the hallowed and changing work ethic. It is a subject well worth the talent of a historian of such detachment, knowledge and judiciousness. □

DANCE

NANCY GOLDNER

The Danish choreographer August Bournonville, the centenary of whose death is this year, is all the rage among ballet fans right now and many of them made a point of attending some all-Bournonville programs given by soloists of the Royal Danish Ballet at the City Center in June. The Bournonville club

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is small but intensely keen; indeed, the faintly esoteric aroma surrounding his style is part of the allure. Another aspect of his appeal is that Bournonville is the perfect antidote to all the tuna casseroles from Cuba, Stuttgart, Berlin, Moscow, Nureyevville, etc., that swamp New York each season and cause publicists to cry up ballet booms, international festivals, etc. Bournonville is real ballet, on two counts. First, he is one of a handful of extant choreographers who trust basic vocabulary as a vehicle of expression. The theatricality of his dance style stems from the very architecture of technique. Second, the joyousness of his choreography epitomizes the esthetic temperament of all those drawn to ballet in the first place—those who prefer Italy and France to Germany, Poussin to David. Bournonville is not the complete choreographer. At the New York City Ballet, which dances under the title *Bournonville Divertissements* a good chunk of the excerpts the Royal Danish soloists brought here, Bournonville's work is like the Alps next to Balanchine's Himalayas. What is missing in the Bournonville esthetic is a certain grandeur and friction and metabolic drive—it all boils down to sex. But as with Balanchine and a few others, it never occurred to Bournonville to worry about profundity, and its absence paradoxically gives his work its substance. It's enough for dancers to move fast, intricately and with a smile.

Only a few of the Danish dancers smiled, and still fewer smiled with their whole bodies. Ironically, the Danes, the rightful spokesmen for Bournonville, have illustrated the pitfalls of that style. Failing to grasp and elucidate the large contours of dance phrases and then to shape them into still larger sections of tension and release, the Danes often turned Bournonville into a persnickety schoolmaster. It is telling, I think, that the difference between the dressed-up classroom exercises, *Konservatoriet* and *Bournonville Etudes*, and selections from ballets proper, such as *La Ventana* and *Kermesse in Bruges*, was minimal. Just about everything had an academic stuffiness to it. The difficulty of Bournonville's technique was absolutely transparent (making for sessions of good shop talk), but the more fascinating issue, the differences between Bournonville and the cantilena Russian style to which Americans are accustomed, was obscured by gaucheness.

Norman Birnbaum, Blair Clark, Ramsey Clark, Fred Cook, Terrence Des Pres, E.L. Doctorow, Richard Falk, Jules Feiffer, Tom Ferguson & Joel Rogers, Frances FitzGerald, James Goodman & Dorothy Samuels, Philip Green, Christopher Hitchens, Leonard Kriegel, Penny Lernoux, Sanford Levinson, Carey McWilliams, Aryeh Neier, Marcel Ophuls, Nora Sayre, Robert Sherrill, Calvin Trillin, Kurt Vonnegut, Alan Wolfe **write it.**

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One of those differences is *port de bras*. With Bournonville the arms are held in set positions so as to enhance the extreme vitality of the legs and to clarify the dance's jagged lines of direction. Highly controlled arm movements need not result in static torsos, however. Only three of the thirteen dancers—Dinna Bjorn, Niels Kehlet and Peter Martins (on loan from the City Ballet)—were able to work their way out of a straitjacket and involve their whole bodies in the business of dancing. Bjorn found the key to life in her mobile wrists and elbows; Martins in his shoulders, and Kehlet, I suspect, by simply disregarding rules and regulations and plunging in with whatever zest his veteran body could muster. What a triumph for the casualness born out of expertise to see in Kehlet a dance power four times as large as that of compatriots half his age; and what a vindication of Kehlet's achievement to notice Martins, in the *Napoli* variations, cheering him on from the sidelines with a tambourine in one hand and a lesson book in the other.

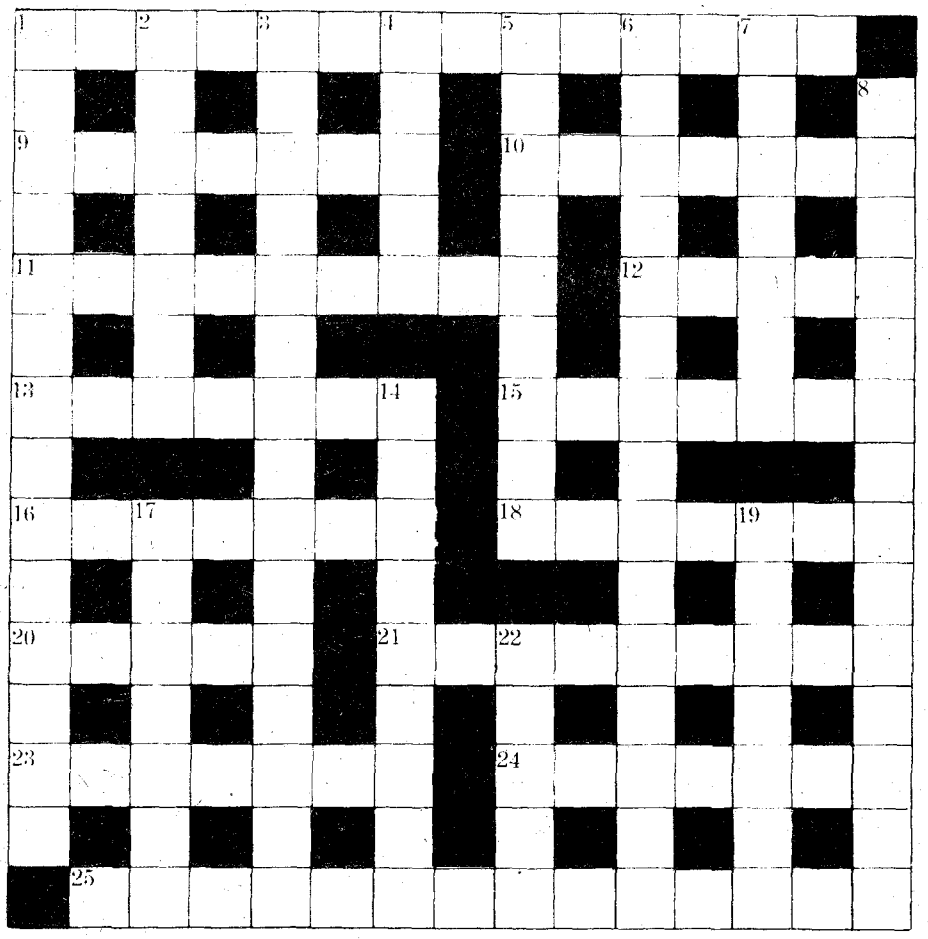
Bournonville's musical impulse also differs from the norm. The catchiness of his footwork is amplified in tongue-twister rhythms, where the dancer must come to dead stops in midphrase and then, out of the blue, dart into double time. Because all of the Danish company members fudged this peculiar phrasing, the only quality to emerge was an awkwardness somewhat akin to hearing English spoken with emphases on the wrong syllables. Only Martins exposed and played with musical accent. Delighting in the "wrongness" of an elongated downbeat or a phrase climaxed by a *plié* instead of a jump, he seemed to be saying, "This stuff is so awkward it's interesting." Of course, his calculated awkwardnesses were the only ones to make sense. Martins brought the house down, and I'm afraid that he also brought down his ex-colleagues' house of cards. □

COMING NEXT WEEK:

Hans Koning takes a long look at the politics of Jerzy Kosinski, and the new Philip Roth and Kurt Vonnegut novels are reviewed.

Crossword Puzzle No. 1786

FRANK W. LEWIS



ACROSS

1 What sounds like photographs to burn, with the proper dynasty? The girl's ideal, possibly. (6,8)
9 To stamp incorrectly a big canvas holder. (7)
10 In preparation for special course 1009 after attaining the bar. (You don't have to start from scratch with it.) (4,3)
11 Future flyers find fish where birds sometimes stay. (9)
12 If you're looking for the station, you might use it. (5)
13 An E grade's bad, but made the course go more smoothly. (7)
15 Jacks are usually necessary, at least for these keys. (7)
16 Possibly harps on a stormy subject of early cinema—Annie being one of them. (7)
18 Worn by one in the sauna? (7)
20 Twisted the sound of what you step on, going up. (5)
21 Hurrah! Get cracking! And fire close to it! (6,3)
23 Act without restraint, like unruly rioters. (7)
24 A position subject to penalty. (7)
25 John Paul Jones's order, perhaps, not necessarily related to spouse-swapping. (6,8)

DOWN

1 Do bowdlerists, when they delete the four-letter type? (Sponsors sometimes do.) (3,2,1,4,4)
2 Admission of one past his prime, from which there is no escape. (7)
3 An actor such as Chaplin, with the result of comedy not up to him? (7,8)
4 How some men operate on the dance floor? (3,2)
5 Gets used to current duties. (9)
6 What one can do with the former capital of Egypt and the capital of Tunisia, if one has to settle for something. (4,3,4,2,2)
7 One may not have reached the office yet. (7)
8 You might decline to do so with fast red-head birds. (7,7)
14 Draftees might have looked for it to fire a weapon. (9)
17 Half-rudder during the shipwreck is extremely proper. (7)
19 Linguistic form to tie loosely with one destructive to furniture. (7)
22 Political assembly in long-ago radical environment. (5)

SOLUTION TO PUZZLE NO. 1785

ACROSS: 1 and 10 Thirty-second note; 9 Press agent; 11 Repulses; 12 Flings; 13 Pedal; 15 Noontide; 16 Replaced; 19 Newer; 21 Isobar; 22 Pipe rack; 24 Bolt; 25 Theocratic; 26 Rise and shine. DOWN: 2 Hurt expression; 3 Resound; 4 Years; 5 Emerson; 6 Out of town; 7 Dentist; 8 Stage direction; 14 Lacerates; 17 Lobster; 18 Diptera; 20 Warpath; 23 Paced.

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We Need to Send Another Message

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